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Senate

The Senate met at 4 p.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, You have told us in 1 Thessalonians 5:18 that it is Your will for us to be thankful in every circumstance. So today we thank You for the orderly transition of governmental power and for the substantive contributions to liberty of President Barack Obama. We are grateful for his labors of faith, patience, and hope. We are thankful for his dependence on You.

Lord, we also express gratitude for the limitless possibilities available to President-Elect Donald Trump. May he receive inspiration from Your declaration in Psalm 75:6 and 7 that elevation comes neither from the east, west, south or north, but You are the sovereign judge who puts down one and lifts up another.

Lord, we give You our thanksgiving for our lawmakers, old and new. Bless and keep them in all they think, say, and do.

Finally, we thank You for the life and legacy of Gwen Ifill.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. LANKFORD). The majority leader is recognized.

MEASURES PLACED ON THE CALENDAR—S. 3464 AND H.R. 6094

Mr. MCCONNELL. Mr. President, I understand there are two bills at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will report the bills by title for the second time.

The senior assistant legislative clerk read as follows:

A bill (S. 3464) to provide incremental increases to the salary threshold for exemptions for executive, administrative, professional, outside sales, and computer employees under the Fair Labor Standards Act of 1938, and for other purposes.

A bill (H.R. 6094) to provide for a 6-month delay in the effective date of a rule of the Department of Labor relating to income thresholds for determining overtime pay for executive, administrative, professional, outside sales, and computer employees.

Mr. MCCONNELL. In order to place the bills on the calendar under the provisions of rule XIV, I object to further proceedings en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will be placed on the calendar.

APPOINTMENTS

Mr. MCCONNELL. Mr. President, I understand appointments were made during the adjournment of the Senate, and I ask they be stated for the RECORD.

The PRESIDING OFFICER. The Chair announces, on behalf of the Democratic leader, pursuant to the provisions of Public Law 114-198, the appointment of the following individuals to serve as members of the Creating Options for Veterans' Expedited Recovery (COVER Commission): Dr. Wayne Jonas of Virginia (Veteran) and Jon Soltz of Virginia (Veteran).

The Chair, on behalf of the majority leader, pursuant to Public Law 112-272, appoints the following individual to be a member of the World War I Centennial Commission: Terry Hamby of Kentucky.

The Chair announces, on behalf of the majority leader and the Democratic leader, pursuant to Public Law 110-298, the appointment of the following individual to serve as a member of the Federal Law Enforcement Congressional Badge of Bravery Board: Rick McCubbin of Kentucky.

The Chair announces, on behalf of the majority leader and the Democratic leader, pursuant to Public Law 110-298, the appointment of the following individual to serve as a member of the State and Local Law Enforcement Congressional Badge of Bravery Board: Michael Walters of Nevada.

The Chair announces, on behalf of the majority leader, pursuant to the provisions of Public Law 114-215, the appointment of the following individuals to serve as members of the John F. Kennedy Centennial Commission: the Honorable JOHN MCCAIN and the Honorable ORRIN G. HATCH.

The Chair, on behalf of the President pro tempore and upon the recommendation of the Democratic leader, pursuant to Public Law 98-183, as amended by Public Law 103-419, reappoints the following individual to the United States Commission on Civil Rights: David Kladney of Nevada.

The Chair announces, on behalf of the Democratic leader, pursuant to the provisions of Public Law 106-398, as amended by Public Law 108-7, and in consultation with the chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, the reappointment of the following individual to serve as a member of the United States-China Economic Security Review Commission: Katherine Tobin of Virginia.

The Chair announces, on behalf of the Democratic leader, pursuant to the provisions of Public Law 114-196, the appointment of the following individuals to serve as members of the United States Semiquincentennial Commission: Members of the Senate: the Honorable ROBERT P. CASEY, Jr. of Pennsylvania and the Honorable JEANNE

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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S6317

SHAHEEN of New Hampshire. Private Citizens: Dr. Andrew Hohns of Pennsylvania, David Cohen of Pennsylvania, Heather Murren of Nevada, and James Swanson of the District of Columbia.

THE ELECTION AND WORKING TOGETHER

Mr. MCCONNELL. Mr. President, we have had a regularly scheduled election in this country every 2 years since 1788. This year's campaign was long and it was tough, and I think everyone is glad it is over. I think Americans are ready to come together and move the country forward.

As President Obama reminded us, we are all on one team. This is an intramural scrimmage. We are not Democrats first. We are not Republicans first. We are Americans first. We are patriots first. Now, as he put it, we are all rooting for the success of the President-elect for uniting and leading the country.

I want to congratulate President-Elect Trump on his victory. I want to thank the American people for placing their trust in this Senate majority and the House majority as well. Speaker RYAN and I had productive discussions with the President-elect last week. We are both looking forward to working with him, but first there is work to be done in the current session of the Senate.

We will welcome some new Members, beginning with orientation this week. We will bid farewell to some dear colleagues. We will finish the work that remains before us.

So welcome back, everyone. We still have some work to do, and with some cooperation from both sides, we will get it done.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

THANKING THE SENATE CHAPLAIN AND WELCOMING EVERYONE BACK

Mr. REID. Mr. President, I very much appreciate the prayer of Admiral Black. He always does his best to set the tone. I appreciate the tone that he has set this afternoon. I appreciate him and what he does very much.

I welcome everyone back. We have been gone quite some time. We have a lot of work to do the next few weeks, and we will do our best to get it done as quickly as we can.

REMEMBERING GWEN IFILL

Mr. REID. Mr. President, I would like to say just a few words about Gwen Ifill. It really was too bad that she died at age 61. She was a woman who broke barriers. Every step of her life was something new and inspirational for those around her.

I watch the "NewsHour" as often as I can, and I will miss her. I thought she had such a fine way of presenting herself in the news that she reported. Every night she would do the nightly review. She was really a good person, and I will miss her. I think we all will.

THE ELECTION OF DONALD TRUMP

Mr. REID. Mr. President, I have been in politics for five decades. I have not seen anything like what we are seeing today in America. The man who lost the popular vote by 2 million votes is now the President-elect. I will repeat that. A man who lost the election by 2 million votes or more is now the President-elect.

His election has sparked a wave of hate crimes across America. This is a simple statement of fact, but it raises critical questions for us as a country and as a nation. How do we respond to the election of Donald Trump?

The Democrats want to work with Mr. Trump when we can. I understand and respect the impulse because Democrats like to get things done. That is why most of us are in government in the first place.

For example, Democrats have been trying for multiple decades to get Republicans to invest in our deteriorating infrastructure. What kind of makeup do we have in the infrastructure? Some say \$1 trillion; some say \$3 trillion. It is really badly in need of help and repair. It is an automatic job creator. Over these decades, each time we tried to do something on infrastructure, Republicans obstructed. So if we can finally get Republicans to make the job-creating infrastructure investments we have been seeking for years, that would be a welcome development for the Senate and the country.

If Trump wants to pursue policies that will help working people, Democrats will take a pragmatic approach. Democrats have a responsibility to improve the lives of Americans, but we also have other responsibilities. We have a responsibility to be the voice of millions of Americans sitting at home, afraid that they are not welcome anymore in Donald Trump's America. We have a responsibility to prevent Trump's bullying, aggressive behavior from becoming normalized in the eyes of Americans, especially to the many young people who are watching and wondering, for example, if sexual assault is now a laughing matter.

We have a responsibility to say that it is not normal for the KKK and groups like the Klan to celebrate the election of a President they view as their champion with a victory parade. They have one scheduled. In other words, we have a responsibility to lead.

Outside this Senate Chamber, workers can be heard hammering away on the platform for the inauguration ceremony. It will take months to do it, but it will be done right. In 65 days Donald Trump will step onto that platform. For 4 years he will wield the loudest

and most powerful microphone in the world. But even as those workers hammer away on Trump's platform, and even as we as leaders accept the results of this election, we must also give voice to those who are afraid because there are many who are afraid.

Indeed, a majority of Americans opposed Donald Trump. Many of my Republican colleagues in this Chamber opposed Trump. They were not alone. Trump will be the first President to take office having lost the popular vote by 2 million.

Every day for the past week, the majority of American voters have awakened to a difficult reality: Not only did the man who lost the popular vote win the election, but his election sparked a rise in hate crimes and threats of violence. Since Election Day, the Southern Poverty Law Center has reported hundreds of incidents of harassment and intimidation. The last count reported is 315 from their calculations.

Overwhelmingly, the hateful acts are anti-Muslim, anti-Hispanic, anti-African American, anti-woman, anti-LGBT, anti-Semitic, and anti-Asian.

I have heard these stories from friends and family. My and my wife's Nevada physician is a Pakistani-American of Muslim faith. We think so much of him. We have known each other for 35 years. The day after the election my friend was in a restaurant in Las Vegas having dinner. A man approached him in a threatening manner and said: Where are you from? He said: Where are you from? The man said: I'm local. The doctor said: So am I.

That same night, in another restaurant in Las Vegas, another friend of mine who is also a Pakistani-American physician was having dinner. A man walked up to him in the same manner and said: Where are you from? He said he was from Pakistan. The other man said: Why don't you go back?

One of my staffers has a daughter in middle school. I have known that little girl since she was a little baby. The day after the election, the principal addressed the entire student body on the school's PA system because of two incidents that had occurred that he wanted to talk about. In one instance, a boy yelled at a Latina student, saying he was glad she was being deported now that Trump was President.

Another boy was sent home for yelling a derogatory, hateful term to an African-American student. The boy justified himself by saying he could use that language now that Trump was President.

In Spokane, WA, the Martin Luther King, Jr. Center was defaced with the same hateful word.

Those are only a few examples that people close to me have related. But these disturbing accounts have been heard across America.

I have a compilation of many of these incidents. One is from NBC news. Another is from another publication. There is a headline: "Hundreds of Hate Crimes Reported Since the Election."

Mr. President, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Nov. 14, 2016]

NBC—HUNDREDS OF HATE CRIMES REPORTED SINCE ELECTION: SPLC CHELSEA BAILEY

More than 300 incidents of harassment or intimidation have been reported following Donald Trump's election Tuesday night, the Southern Poverty Law Center (SPLC) told NBC News Monday.

The SPLC first published its report on post-election incidents on Friday but said reports have continued to stream in. They found that harassment most commonly occurred in K-12 schools and on university campuses. Many, though not all incidents, involved direct references to the Trump campaign, according to the group's report.

The anti-intolerance watchdog said it will continue to tally incidents of hate and harassment reported through social media, news reports and direct submissions to its website.

The Law Center said they were unable to independently verify each incident reported, but NBC News has separately confirmed dozens.

Some incidents of hate crimes that NBC News has confirmed independently:

On Sunday, a rector found the words "Trump Nation, Whites Only" scrawled on the walls of the Episcopal Church of Our Saviour in Silver Spring, Maryland. The church offers weekly Spanish-language services.

The University of Michigan issued a campus safety alert Sunday after a Muslim student told police a white male demanded she remove her hijab or he would "set her on fire with a lighter." Police are investigating.

New York Governor Andrew Cuomo ordered state police to open a multi-agency hate crimes investigation into reports that a swastika and the word "Trump" was spray painted on the walls of a residence hall at SUNY Geneseo.

In Philadelphia, police are searching for the man who graffitied "Trump Rules" and "Black B* * *" onto the hood of a woman's van.

Parishioners found graffiti on the walls of St. David's Episcopal Church in Indiana. A swastika, "Heil Trump" and "F* * * Church" were spray painted on the walls of the church, which performs same-sex weddings, WTHR reports.

"Colored" and "Whites Only" signs were placed above drinking fountains at First Coast High School in Jacksonville, Florida, a district spokeswoman confirmed with NBC News.

Mere hours after Trump won the election, "Make America White Again" was scrawled across the wall of a softball field in Wellsville, New York. Police are investigating.

Also on Monday, the FBI's Uniform Crime Reporting division also released its annual "Hate Crimes Statistics" report, tracking the number of bias-motivated incidents reported to law enforcement officials in 2015. The number of hate crimes rose 6 percent in 2015, according to the report, and the vast majority (59 percent) of victims were targeted because of their race or ethnicity.

Attacks motivated by religious bias and sexual orientation were also among the most frequently reported types of hate crimes. The number of reported anti-Muslim hate crimes spiked in 2015, growing by an astonishing 66 percent, according to the FBI report.

In all, more than 5,800 incidents of hate crimes were reported to authorities, involv-

ing 7,121 victims. Of the known offenders, "48.4 percent were white, 24.3 percent were African American, and race was unknown for 16.2 percent of offenders," according to the report.

Related: How the 2016 Election Exposed America's Racial and Cultural Divides.

In addition to monitoring anti-Arab bias, the report also tracked incidents of anti-religious bias for seven additional religions for the first time. The expanded report now tracks anti-religious bias against Buddhist, Eastern Orthodox, Hindu, Jehovah's Witness, Mormon, Sikh and other Christian victims.

Monday's report marks the 25th anniversary of the FBI's efforts to compile data around hate crimes. The report contains data from nearly 15,000 law enforcement agencies.

[Updated: Nov. 14, 2016]

BUZZFEED—HERE ARE 26 REPORTED RACIST INCIDENTS AFTER DONALD TRUMP'S VICTORY TASNEEM NASHRULLA

"THIS IS THE NORMAL."

1. Threatening "vigilante" fliers calling for torture of "university leaders spouting off all this diversity garbage" were posted in bathrooms across Texas State University after Donald Trump's win in the elections.

"Now that our man TRUMP is elected and republicans own both the senate and the house—time to organize tar and feather VIGILANTE SQUADS and go arrest and torture those deviant university leaders spouting off all this Diversity Garbage," the fliers, which were glued to bathrooms and minors in buildings across the campus, said.

Other fliers criticized the the concept of diversity and its proponents.

One flier said, "NO OTHER RACE (BUT WHITES) HAS BENT OVER BACKWARDS to assure that all non-whites receive a 'fair shake' in being part of American life, even to the detriment and social well-being of 'our own kinds' (whites)." The flier said "multiculturalism" and "diversity" and "code-words for white genocide."

The Texas State University Police was investigating the incident, President Denise M. Trauth said in a statement. Trauth said she was aware of reports of "action and expression that have occurred on campus following the recent elections in our country."

"Actions such as pasting flyers to bathroom mirrors amounts to criminal activity, and our university police are investigating these incidents," Trauth said. "Texas State strives to maintain an atmosphere that protects free speech, but one that is respectful to other members of the Bobcat community."

The university police did not return BuzzFeed News' request for comment.

2. Racial slurs and threats, including the n-word, "Go back to Africa," and "Whites only," along with pro-Trump slogans were found scrawled in a high school bathroom in Minnesota on Nov. 9.

Police said they were investigating the graffiti found in the boys bathroom at Maple Grove Senior High School. The graffiti included F* * *allPorchmonkeys, #Whitesonly, Trump Train, #Gobacktoafrika and "Make America Great Again."

According to police, the "racist" messages were written during the school day on Nov. 9.

"This type of behavior is highly offensive, will not be tolerated and does not reflect the views of the Maple Grove community," police said in a statement.

In a letter to students' families, the school's principal, Bart Becker, said he was "horrified" by the "serious and disturbing racial incident."

"We immediately launched an investigation into this incident and we will take swift

and appropriate action based on the investigation findings," Becker said. "We will work very hard to identify who did this horrible act and determine how we can support the students and the staff who have been affected by it."

3. Mehreen Kasana, an editor in New York City who was wearing a scarf around her head the day after the election, said that a man told her, "Your time's up, girlie."

Mehreen Kasana @mehreenkasana I have a scarf on. Identified by someone on the platform today and he says, "Your time's up, girlie." 8:50 AM—9 Nov 2016

Kasana, a Muslim woman, told BuzzFeed News that she didn't usually cover her head but her younger sister observes the hijab. She said she wore a scarf on Nov. 9 because of the cold.

Kasana said that while she was passing by people at the subway station, a "white man who had to be in his mid-30s, holding a briefcase and a newspaper first looked at me and grunted. Then he said, 'Your time's up, girlie.'"

According to Kasana no one at the station did anything. "I almost always fight back but I think that moment was so replete with defeat and misery that, out of the sheer need to protect myself, I remained silent," she said. "The last thing I needed was to get pushed on the tracks."

4. Middle schoolers in Michigan chanted "Build the wall" in their lunchroom on Nov. 9.

Philip Lewis @Phil Lewis Middle school students in Royal Oak, Michigan chanting "Build The Wall!" 9:55 AM—10 Nov 2016

A group of middle schoolers in Royal Oak, Michigan, broke out in a "build the wall" chant inside their cafeteria on Wednesday, echoing one of Trump's rallying cries during his campaign.

"Because of the strong emotions and intensity of rhetoric that the posting of this incident to social media has elicited, we have had parents express concern regarding student safety," Superintendent of schools Shawn Lewis-Lakin said in a statement Thursday.

5. A "Make America White Again" sign with a swastika was graffitied on a softball dugout wall in a park in Wellsville, New York.

Brian Quinn @brianqwdr Trump has spoken about "Making America great again," but someone else had a different message recently in Wellsville.

1:38 PM—9 Nov 2016 Wellsville Village Police Chief Tim O'Grady told the Wellsville Daily that no one had filed a complaint about the graffiti, which was spotted on Nov. 9. He said the wall was on a privately owned field. "Unless somebody makes a complaint, we don't have any cause for action," O'Grady said. "It's vandalism, we'll look into it."

On Saturday, New York Gov. Andrew M. Cuomo announced a joint investigation involving New York State Police and the State Division of Human Rights looking into the graffiti, calling it a hate crime.

"New York has zero tolerance for bigotry, fear and hatred, and those who seek to undermine the core values this state and nation were founded upon," Cuomo said in the statement. "I have ordered a full investigation into this deplorable act."

Sixty-seven percent of votes in Allegany County, where Wellsville is located, went to Trump-Pence.

6. Photos of a black baby doll which appeared to be hung in an elevator in Canisius College in New York on the night of Nov. 8, surfaced on social media.

Jordan Roth @Baby Jay1221 This baby doll was found in a freshman elevator last night at Canisius. I don't care who

you are or what your beliefs are this is awful
3:51 PM—9 Nov 2016

The Tuesday-night incident prompted Canisius President John Hurley to send a campuswide letter strongly condemning the act, which he called “extremely troubling on several levels,” the Buffalo News reported.

He later issued a detailed message describing two separate incidents—placing the doll in the elevator and the use of the doll in a residence hall room—which involved two unrelated sets of students.

According to the public safety report, the doll was first placed in an elevator as a prank to startle people and the two strings at the doll’s neck were part of its construction. Hurley said there was no evidence that the doll was hung in the elevator as several social media posts appeared to suggest.

The elevator prank set off a chain of events “on a night when the results of the presidential election had many students feeling distressed and vulnerable” Hurley said, adding that those involved in the elevator prank would be disciplined.

The doll was then later put in residence hall room where it was hung from the curtain rod, according to the report. Students took photos of it and created memes using language about “Trump fans” which were then posted to social media, according to Hurley.

“It’s evident that what may have started as a thoughtless, insensitive prank earlier in the evening in the elevator degraded into a very offensive, inappropriate act later that night,” he said.

The students involved in the residence hall incident have been involuntarily suspended from the college pending the outcome of disciplinary cases against them, the consequences of which could include dismissal from the college, Hurley said.

7. A “fair skinned male” allegedly pulled at a woman’s hijab on Nov. 8, choking her and causing her to fall, San Jose State University police said in an alert to students.

Pam Howell @BookaliciousPam

San Jose State University sent an email that a woman had her hijab ripped off by a white male with such force it choked her as she fell.

9:08 PM—9 Nov 2016

It wasn’t clear whether the woman was attacked because of her hijab, and the university said the case was under investigation.

“We are of course very concerned that this has occurred on our campus,” a spokeswoman told the Mercury News. “No one should experience this kind of behavior at San Jose State.”

Doaa Abdelrahman, the president of the Muslim Student Association at San Jose State, told the Mercury News that she knew the victim and believed the attack was related to Trump’s campaign on election night.

“I’ve experienced racism for my religion since age 9,” Abdelrahman said. “I think Trump is the cause of a lot of segregation and division between people.”

8. “Trump” was scrawled on the door of a Muslim prayer room at New York University on Nov. 9.

The incident at the NYU Tandon School of Engineering was reported by the NYU Muslim Students Association (MSA).

The day after Trump was elected president, a Muslim student making his way to the prayer room found “Trump” scribbled across the front of prayer space door, Afraz Khan, the president of NYU MSA, told BuzzFeed News.

“Our campus is not immune to the bigotry that grips America,” the MSA said in a Facebook post.

The incident was reported to university officials, whom Khan said were doing a “wonderful job in supporting us.”

In the wake of the vandalism, the MSA organized a rally and called on fellow students “to show support that fear and intimidation have no place on our campus.”

Within 24 hours, more than 1,000 people signed up as supporters “to denounce this hate,” Khan said.

“Nothing like this has happened before at NYU and we pray this is the first and last incident,” he said.

9. “F* * * your safe space,” “Build wall,” and “Trump” were scrawled in chalk at the University of Louisiana at Lafayette on Nov. 8.

The Vermilion @TheVermilion

PRO-Trump chalk was littered in front of the EGD library last night.

10:32 AM—9 Nov 2016

Other graffiti scrawled on campus after Trump’s win included “Democrats can kiss Trump’s a* * *.”

Campus maintenance workers washed away some of the reported graffiti, while campus police were investigating several more reports of pro-Trump graffiti across the campus, the Advertiser reported.

10. “Black lives don’t matter and neither does your votes,” was spray-painted across a wall in Durham, North Carolina on Nov. 9.

Derrick Lewis @DerrickQLewis

Someone spray painted “Black lives don’t matter and neither does your votes” on a wall in Durham overnight.

3:27 PM—9 Nov 2016

Community members gathered Thursday and cleaned up the message, WNCN reported.

11. After one photo went viral, Southern Illinois University issued a statement saying they were aware of offensive social media posts and were reviewing the incidents.

“This week’s presidential election was extremely divisive and emotions are running high,” the interim chancellor, Brad Colwell, said in the statement. “A number of people have contacted my office regarding offensive behavior and comments, including social media posts. While federal law prohibits us from discussing issues related to specific students, please know that we deeply share your concerns. We are reviewing every incident and will take appropriate action.”

Colwell said that while discussions about the future of the country were important, he urged students to do so in a “civil manner that respects everyone’s right to agree or to disagree.”

Colwell issued his statement after a viral social media post showed two students from wearing blackface and standing in front of a Confederate flag.

However, one of the students in the photo later wrote on Facebook that the picture had been taken out of context. She said she had been wearing a “boscia face mask” in front of a Confederate flag she had ripped because she does not support it.

12. A Muslim student at San Diego State University (SDSU) was attacked and robbed by two men “who made comments about President-Elect Trump and the Muslim community” on Nov. 9, the SDSU police said in a safety alert.

A Muslim student at San Diego State University (SDSU) was attacked and robbed by two men “who made comments about President-Elect Trump and the Muslim community” on Nov. 9, the SDSU police said in a safety alert.

The two suspects, a white male and a Hispanic male, confronted the student in a stairwell in what police described as a “hate crime, robbery and vehicle theft.”

The two men “made comments about President-Elect Trump and the Muslim community, confronted her and grabbed her purse and backpack,” according to police. They also took her car keys and stole her vehicle.

“Comments made to the student indicate she was targeted because of her Muslim faith, including her wearing of a traditional garment and hijab,” SDSU police said in a statement provided to BuzzFeed News.

13. Two men in a pickup truck with a Trump flag drove to Wellesley College, a women’s liberal arts school in Massachusetts and Hillary Clinton’s alma mater, stopped in front of a house for students of African descent, and “antagonized” and screamed “Trump” and “Make America Great Again” on Nov. 9, according to accounts from students and college officials.

Wellesley police confirmed the incident and said the two “disruptive individuals” were asked to leave the property.

The two men, who were students at Babson College, were expelled from their fraternity, Sigma Phi Epsilon. The fraternity said that both men’s actions were “abhorrent” in a statement.

“This type of abusive, misogynistic behavior has no place in our society, and we’re proud of our chapter swiftly removing these men from our organization,” the fraternity said, Babson College was investigating both men’s actions, which the president described as “highly offensive, incredibly insensitive, and simply not acceptable.”

14. A Facebook post on Nov. 9 appeared to show a Trump supporter in a car that had Trump flags and anti-Muslim stickers including “All Muslims are terrorists, deport them all.”

A Facebook post on Nov. 9 appeared to show a Trump supporter in a car that had Trump flags and anti-Muslim stickers including “All Muslims are terrorists, deport them all.”

The Facebook user posted a video showing the truck with a Confederate flag on the front bumper and also stickers saying, “Kill all Muslims” and “All Muslims are child molesters.” The user later deleted the Facebook post.

15. Yarden Katz, a fellow at Harvard Medical School, said that he witnessed a US postal worker telling a man who appeared to be of Hispanic descent, “Go back to your country. This is Trump land” at a gas station in Massachusetts on Nov. 9.

Yarden Katz @yardenkatz

My letter to @USPS about what I witnessed today in Cambridge, Massachusetts. #Trump

5:46 PM—9 Nov 2016

USPS said the issue had been “escalated to the appropriate members of USPS management.” Katz told BuzzFeed News that it was an “appalling incident.”

“I was taken aback by how brazen it was on the part of the USPS worker to make racist comments, in broad daylight, in a supposedly progressive town. It clearly looks like part of a bigger national trend,” he said.

16. A swastika, “Seig Heil 2016,” and the word “Trump” with the T replaced with a swastika were graffitied on the windows on an empty store in South Philly on Wednesday, Philly.com reported.

Philly.com @phillydotcom

PhillyClout: “Sieg Heil,” swastikas, racist Trump graffiti appear in South Philly.

http://bit.ly/2FSN1kN

2:10 PM—9 Nov 2016

The graffiti was spray-painted on the 78th anniversary of Kristallnacht or “Night of the Broken Glass”—a wave anti-Jewish pogroms in Nazi Germany in 1938.

Police also investigated several other incidents of pro-Trump racist graffiti, including the words “Trump Rules” and “Black B * * *” spray-painted across a car belonging to a 62-year-old black woman, Philly.com reported.

17. Chris Weatherd, a former University of Tennessee linebacker, posted a video that

appeared to show his car vandalized with the n-word and “Trump” on Nov. 9 in Knoxville.

Chris Weatherd™ @ChrisWeatherd Who ever did this I'm throwin' hands

11:08 AM—9 Nov 2016

Weatherd told BuzzFeed News that he woke up on Wednesday morning to find that someone had used washable paint to vandalize his car with racial slurs.

He did not file a police report, but said that a family member of the person who did it had apologized to him. Weatherd did not wish to disclose the identity of the alleged suspect, but said it was a neighbor who was a Trump supporter.

He said that while he wasn't “entirely upset” about it, he posted it to Twitter to show that “this is the normal.”

18. Rochelle Abraham posted a picture of a car with a Confederate flag and “Kill Kill Kill” signs in Needham, Massachusetts, the morning after Trump's victory.

Abraham told BuzzFeed News that she spotted the car, which had a POW flag, an American flag, and the Confederate flag, on the morning on Nov. 9.

“I was already feeling off center with respect to what a Trump presidency would mean for myself and those that I love,” Abraham said. “First and foremost I fear for what this means for my 26-year-old son. The current murders of young unarmed black men, Giuliani era stop-and-frisk and just so much on my mind after hearing the final results. The last thing I expected to see was this atrocious, blatant display of hurtful disrespect, racism, and bigotry,” she said.

While she did not see any Trump signs on the car, “just the fact that I saw this the day after the election kind of speaks for itself,” she said.

19. A student at the New School in New York City on Nov. 12 tweeted a photo of what appears to be a swastika that was drawn on the door of her dorm where she lived with other Jewish women.

sam @samlichtenstein

We woke up to this on our door, in a dorm at @TheNewSchool, where 3 Jewish women live.

@ShaunKing @deray @parsonsdsgn

11:06 AM—12 Nov 2016

Samantha Lichtenstein told BuzzFeed News in an email that one of her roommates first saw the symbol when she was on her way out of the dorm this morning. She took a photo of it and sent it to her.

“My roommate and I walked around the rest of the floor to see the symbol on 3 other doors,” Lichtenstein wrote. “We knocked on the doors to tell them of the defamation.”

The roommates have notified and filed reports with campus security as well as the NYPD.

“We are extremely heartbroken. This may have been someone trying to play a joke, but this is not funny. And it was not just one door; 4 different doors were targeted, and only on our floor,” Lichtenstein wrote.

NYC Mayor Bill de Blasio retweeted Lichtenstein on Saturday along with a short statement.

“Hate speech is reprehensible, and has no place in NYC,” de Blasio said. “To the affected, we stand with you. To the perpetrators, we are better than this.”

David E. Van Zandt, president of the New School, also tweeted in support of the students, calling it “abhorrent” and saying he was taking “immediate and appropriate action.”

20. A woman was forced to remove her hijab on Nov. 11 by a man who threatened to set her on fire with a lighter. The incident took place at the University of Michigan campus in Ann Arbor.

“As told to the Ann Arbor Police, a student was approached by an unknown man,

who demanded she remove her hijab or he would set her on fire with a lighter,” according to crime report posted on the university's website.

“She complied and left the area. The Ann Arbor Police are actively investigating,” the statement read.

The suspect has been described as a “white male, 20-30 years old, average height, athletic build, bad body odor, unkempt appearance, intoxicated with slurred speech,” according to the school's site.

Ann Arbor Police Sgt. Patrick Maguire told BuzzFeed News that the department is actively investigating the incident and is soliciting more information.

21. Several black UPenn students received racist and threatening messages Friday, including invites to a “daily lynching.”

Chidera @chiderasiegbu

Black students throughout @Penn's campus, like myself, have been added to this hateful GroupMe. I am petrified and all I want to do is cry.

2:30 PM—11 Nov 2016

Several black UPenn students reported being added to a GroupMe chat included pictures of lynchings, derogatory terms and threats Friday.

University officials said the FBI and university police were contacted, and the messages were linked back to a University of Oklahoma student more than 1,400 miles away. The student has not been identified, but officials said he has been suspended in connection to the incident. Read more about it here.

22. A student at Bowling Green State University in Ohio reported being assaulted by three white men and called a racial slur, the university said.

A student at Bowling Green State University in Ohio reported being assaulted by three white men and called a racial slur, the university said.

“We immediately reached out to the student,” Thomas J. Gibson, the university's vice president for student affairs, said in a statement. “Today, she filed a report with the Bowling Green Police Department. They are investigating.”

23. A swastika was spray-painted on a sidewalk in New York's Brooklyn Jewish neighborhood of Crown Heights.

Mordechai Lightstone @Mottel

BREAKING: Swastika spray painted on Montgomery St in heart of Jewish Crown Heights. Note: This is not a first here (h/t @HirshelTzig)

11:35 AM—13 Nov 2016

The Nazi symbol was painted on the corners of Montgomery St. and Brooklyn Ave, Crown Heights resident Mordechai Lightstone told BuzzFeed News.

Lightstone noted this was not the first time a graffiti swastika has appeared in the neighborhood.

24. A Spanish-language sign at an Episcopal church in Silver Spring, Maryland—a heavily Latino neighborhood just outside Washington D.C.—was vandalized on Saturday night with the words “TRUMP NATION” and “WHITES ONLY.”

Bishop Mariann Edgar Budde of the Episcopal Diocese of Washington wrote on Facebook she is “heartsick” at the vandalism at the Episcopal Church of Our Saviour.

Bishop Budde added that she “can only imagine how the people of Our Saviour, one of the most culturally diverse parishes in the diocese, feel.” Read more about it here.

25. A Michigan police officer was suspended after flying a confederate flag at an anti-Trump rally on Nov. 11.

Traverse City officer Michael Peters has been suspended with pay after he drove a pickup truck with a Confederate flag to an

anti-Donald Trump protest and reportedly got into a confrontation with a demonstrator. Peters was off duty at the time.

Police chief Jeff O'Brien promised an internal investigation to determine if Peters broke department rules. Read more about the incident here.

26. A church in Indiana was discovered vandalized with slurs on Nov. 13.

St. David's Episcopal Church in Bean Blossom, Indiana, was reportedly spray painted with a swastika, an anti-gay slur, and “Heil Trump.”

Rev. Kelsey Hutto, a priest at the St. David's Episcopal Church, told BuzzFeed News that she was disappointed after the graffiti was discovered on the walls Sunday, but that they wouldn't “let the actions of a few damper our love of Christ and the world.”

“We will continue to live out our beliefs and acceptance of all people and respecting the dignity of every human being,” Hutto said to BuzzFeed News. “We pray for the perpetrators as well as those who the derogatory marks were directed at.”

Hutto said that they needed to respond to hateful acts with love.

“Anyone is welcome on the sacred ground of the church,” Hutto continued. “This act was an act of separation. Separation of us from each other and a separation from God which is the definition of a sin.”

Mr. REID. Mr. President, what was just entered into the RECORD are references that are being made. They are awful. They are hateful. They are frightening. They are scary. I invite any of my colleagues to read these horrible acts, and I invite any Senator, Democrat or Republican, to come right down to this floor today and defend any one of them. It is an example of hate and prejudice. I don't believe anyone wants to defend hateful acts being committed in President-Elect Trump's name.

It leads to one unavoidable conclusion. Many of our fellow Americans believe that Trump's election validates the kind of bullying and aggressive behavior Trump modeled on a daily basis. How do we teach our children that bragging about sexual assault is abhorrent if we rush into the arms of the man who dismissed it as “locker room talk”? If we fail to hold Trump accountable, we all bear a measure of responsibility for normalizing his behavior.

Here is a letter from a seventh grader from Rhode Island. She wrote the day after the election, and I will quote from the letter:

I'm extremely scared, especially being a woman of color, that the president of the country that I was born and live in is making me feel unsafe when I usually don't feel unsafe. It is even scarier because this man who is now the president of the United States of America has said such rude, ignorant and disrespectful things about women and all different types of people and is now in charge of our country. I want to feel safe in my country but I no longer can feel safe with someone like Donald Trump leading the country.

Our President is supposed to make people feel safe, but on Wednesday, a seventh grade girl awoke feeling frightened to be a woman of color in America because Donald Trump was President-elect. If we ignore her voice and other voices, this seventh grader will be left

to conclude that we as a nation find her fear acceptable.

How do we show her that she does not have to be afraid? The first step is facing reality. No matter how hard the rest of us work, the main responsibility lies within the man who inspired the fear. President-Elect Trump must act immediately to make Americans like that seventh grade girl feel they are welcome in his America.

Healing the wounds he inflicted will take more than words. Talk is cheap and tweets are cheaper. Healing the wounds is going to take action, but so far, rather than healing these wounds, Trump's actions have deepened them. In one of his very first, if not his first official act, he appointed a man seen as a champion of White supremacy as the No. 1 strategist in the White House—the No. 1, everybody else under him.

According to CNN, "White nationalist leaders are praising Donald Trump's decision to name [Stephen Bannon] as his chief strategist." In the same article, White nationalist leaders say they see Bannon "as an advocate for policies they favor."

According to the Southern Poverty Law Center, Bannon "was the main driver behind Breitbart becoming a white ethno-nationalist propaganda mill."

When asked to comment on Bannon's hiring, KKK leader David Duke told CNN, "I think that's excellent."

A court filing stated that Bannon said "that he doesn't like Jews and that he doesn't like the way they raise their kids to be 'whiny brats' and that he didn't want [his] girls to go to school with Jews."

By placing a champion of White supremacists a step away from the Oval Office, what message does Trump send to the young girl who woke up Wednesday morning in Rhode Island afraid to be a woman of color in America? It is certainly not a message of healing.

If Trump is serious about seeking unity, the first thing he should do is rescind his appointment of Steve Bannon. Rescind it. Don't do it. Think about this. Don't do it. As long as a champion of racial division is a step away from the Oval Office, it will be impossible to take Trump's efforts to heal the Nation seriously.

So I say to Donald Trump: Take responsibility. Rise to the dignity of the Office of the President of the United States instead of hiding behind your Twitter account and show America that racism, bullying, and bigotry have no place in the White House or in America.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be

in a period of morning business until 5 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Republican whip.

THE ELECTION AND SENATE PRIORITIES

Mr. CORNYN. Mr. President, I came to the floor to talk about the election of November 8 and the opportunities we have, working together going forward, to turn the direction of the country around. Unfortunately, I found myself sitting here listening to the latest tirade by the Democratic leader against the President-elect and his team. Surely he is entitled to his opinion, but he does nothing to contribute to the healing of our country after a very polarizing, hotly contested election by continuing to pile on the President-elect and his team.

We had an election. The American people voted. The American people chose their next President. But to come here after the election, after the American people have spoken and made that choice, and continue to disparage their choice for the next President, as well as the leadership in the House and the Senate, really just smacks of—well, we used to call people like that sore losers. But, frankly, what he does is he also contributes to the coarsening of our discourse and debate here in the Senate.

I had to check the Standing Rules of the Senate to see whether rule XIX, which governs the terms of debate, would cover the President or the President-elect because certainly—when the Senate rules say that "no Senator in debate shall directly or indirectly by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming of a Senator," certainly the Democratic leader's comments, although not technically within the ambit of the rule, violate the spirit of the rule and the sort of debate and discussions we ought to be having here in a civilized and civil and dignified sort of way.

I realize the Democratic leader will be leaving the Senate at the end of this year. I hope we can return to the sort of civil and dignified discourse and differences of opinion that we surely will have from time to time about matters of policy. This is the Senate, for heaven's sake. This is where those differences are supposed to be debated and litigated and discussed and then we vote. But the sort of recriminations that the Democratic leader keeps coming back to just strike me as inappropriate and uncalled for.

Rather than contribute to the sort of healing of our Nation that Secretary Clinton—who, by the way, had more to complain about than the Democratic leader does in terms of the outcome; she ended up on the short end of the stick—or the President of the United States, President Obama—the comments they have made, the gracious comments recognizing the importance

of a peaceful transition of power from one Presidency to another—that is the sort of tone I wish we would hear more of here in the Senate and in the country generally, not pour gasoline on the fire, as the Democratic leader continues to do.

It is true that we had an earth-shaking event occur on November 8—the election of Donald J. Trump as the 45th President of the United States. I believe the reason Mr. Trump was elected is because the American people want change. They are eager for Washington to tackle the big challenges we are facing as a nation, from terror threats abroad to a stagnant economy here at home. They are looking forward to an administration that believes the rules apply to all of us equally—in other words, equal justice under the law, not that a separate set of rules applies to the Washington elites or those who can get away with it, that a different set of rules applies to them than applies to the rest of us in the country. They want equal justice under the law. They want restoration of the rule of law—something we have not seen in the outgoing administration because of an overpoliticized Department of Justice, among many other reasons.

I personally look forward to working with the President-elect in the years ahead to address issues that are important to my State and to families across the country.

I am grateful, as well, that the American people have entrusted such a big task to Republicans, who will lead both Chambers of Congress. In an election year that no one could predict—in fact, almost every prediction I made was wrong—in an election year where very few people were right about their predictions as to the ultimate outcome, we see a clear theme emerge: People want something different from business as usual when it comes to politics. They want us to shift gears. They felt it was necessary to get the country back on the right track. I agree with them.

I will note the one thing the American people did not want to change, and that is the Republican majority of the Senate. That led to the reelection of Republican Senators in States such as Ohio, Pennsylvania, and Wisconsin, in addition to the new Member of our conference from the great State of Indiana. I look forward to welcoming all of them, as well as our new Democratic colleagues, and invite them to work with us to try to meet the challenges of these times and to work together to solve the challenges and problems that confront the American people.

But it is very clear that the American people wanted a change in the White House. They did not want to change Republican majorities in both Chambers of Congress. They did not want to do that. Voters were able to cut through the noise and see what we have been able to accomplish so far—not that they gave us the Good Housekeeping seal of approval, but they have

seen a difference in the last 2 years under a Republican majority in the Senate, and apparently they saw enough that they liked that they wanted to keep us in the majority. They have seen a Senate that has prioritized the American people, that has carefully and methodically returned the Senate back to the basics of doing our job, which is legislating. That includes passing key pieces of legislation through Congress, like the first multiyear highway bill in a decade. I realize that does not excite a lot of people, but it is the basic fundamental job of the Senate and the Congress to legislate, to deal with our infrastructure needs, as the Democratic leader talked about. We actually did deal with some of our major infrastructure needs by passing the first multiyear highway bill in a decade, which is important to our economy, to public safety, and to the quality of the environment. That represents a substantial accomplishment.

We also passed the first education reform law since No Child Left Behind, which was admittedly controversial. We repealed the common core mandates and devolved more authority from Washington, DC, back to the States, back to our school administrators and parents and teachers where it belongs.

We should have learned by now the hard way that when somebody has a bright idea here in Washington, DC, that has not been tried and tested across the rest of the country in the laboratories of democracy known as our States, we are just as likely to get it wrong. I would say Exhibit No. 1 or A for that is ObamaCare. Trying to take one-sixth of our economy and transform it in a way that does not get the buy-in of both political parties, much less the American people, only to see those promises not kept—that does nothing to promote public confidence in their government.

We did pass the Every Student Succeeds Act, which does send some of that power back home.

We have done a number of other things, including one that I am particularly proud of, which was to help root out human trafficking and protect the victims of this heinous crime—the first major human trafficking legislation passed perhaps in 25 years, and more resources are now available to the victims of human trafficking so that they can begin to heal.

We proved that we could get some things done—not as much as we would have liked but some substantial things.

As the Presiding Officer knows, lifting the crude oil export ban has been very important to the energy producers here in the United States and will go a long way to making sure they get a fair price for their product on the world markets. It will also give us a chance to help some of our allies around the world against whom energy is used as a weapon by people who would cut off their supply to elec-

tricity, oil, gas, and other energy sources as a way to keep them in tow.

We also passed major legislation to address the growing opioid epidemic hurting families across the country.

Under Republican leadership, the Senate saw all 12 appropriations bills pass out of their respective committees for the first time since 2009 and the first balanced budget passed since 2001. Unfortunately, our Democratic colleagues saw fit to filibuster those Senate appropriations bills, which is why we are here after the election in the waning days of 2016 to try to make sure that we pay the bills and keep the government up and running in a lameduck session.

This is not a great way to do business, and this isn't our first choice. But because of the filibuster of those appropriations bills—even though they passed out by overwhelming bipartisan majorities and represent policies that are agreed to by both political parties—here we are.

We have also had more participation on a bipartisan basis by Members of the Senate in the legislative process. There were more votes on amendments—more than 250 during this Congress. This is because of the determined leadership of our majority leader, Senator MCCONNELL, who has seen fit to restore the power to committee chairmen to have the freedom and flexibility to lead their committees while allowing Members, on a bipartisan basis, to contribute to legislation before it comes to the floor and is subject to further action. I believe the result is the creation of solid legislation that will stand over time—not partisan or ramming legislation through because you can do it but building consensus and trying to address problems on a step-by-step basis.

With the election behind us, the Senate can begin looking to next year. We are eager to finish our work this year, which I am sure we will shortly, and are looking to what we might be able to do with what the American voters have given us in terms of majorities in both Houses and President-Elect Trump. As I said, I look forward to working with the new President to improve the lives of the men and women working day in and day out across the country. This is an exciting moment for them and for us. It is good news that we have been provided this opportunity.

Fortunately, the Senate will continue to have a major role to play. Over the last few months, we spent a lot of time talking about what was at stake in this election. At the forefront was the U.S. Supreme Court. So I look forward to hearing who President Trump will nominate to fill the seat being vacated by the death of Justice Scalia. I hope that the Senate Judiciary Committee will take that nomination up on a timely basis and that we will quickly move forward once the nomination is made.

We have a lot more work to do. Over the last 8 years, the Obama administra-

tion has been marked by a go-it-alone attitude. Remember, the President said he had a phone and a pen, and he was quite prepared to act and not consult with Congress. Of course, that resulted in a flood of Executive orders and unilateral actions that won't live out his term of office. When he becomes President, I am confident President-Elect Trump will reverse many of those Executive orders, and we will work with the administration to repeal much of the overregulation that is strangling small businesses and our economy.

Going into this year's Presidential election, we all knew that the President-elect would have a decision to make—either to shore up President Obama's policies and further those burdensome regulations that were created by his administration or to rip up those that are in place or were put in place unilaterally and instead work with Congress on a bipartisan basis. After all, we are the elected representatives of the American people. It is our firm desire to unleash the sleeping giant of the American economy, and I believe we can, given the outcome of this election.

Fortunately, President Trump appears to be eager to work with us to help grow American jobs, strengthen our economy, and make sure that the next generation is better off than those before it. As I said, that means pushing back on harmful regulations that have been promulgated by, for example, Obama's Environmental Protection Agency. It certainly means repealing ObamaCare, a law that was jammed through on a party-line vote and that has not worked as it was promised to work.

We have a lot of work ahead of us. I believe we also have a mandate from the American people, who are sick and tired of business as usual, ready for change and for a government that works for them and not against them.

I look forward to being part of that change. I am grateful the American people have given us the opportunity to serve.

I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. AYOTTE). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OPIOID ADDICTION

Mr. WYDEN. Madam President, last month, Democratic staff on the Finance Committee put out a report documenting the staggering shortage of treatment services in America for those suffering from opioid addiction. This report surveyed a cross-section of American communities and found there is a yawning treatment gap keeping

many from getting the help they need. Nearly 90 percent of Americans suffering from opioid addiction, according to the most current analyses, are not receiving the treatment they need—90 percent. The treatment gap is caused by a shortage of available treatment services across the country, and even where these services do exist, they are overwhelmed by demand. This gap is straining rural communities that are already struggling to provide other essential medical services. Asking these communities to provide care when they are stretched in such incredibly thin ways forces them into impossible choices. The result is even more lives in America are lost to opioid addiction.

Earlier this year, after Congress passed legislation called CARA authorizing anti-addiction programs, Members did an awful lot of celebrating, an awful lot of victory laps, and fired off a forest of press releases, but that act didn't put a penny into these essential treatment programs. I just wanted to come to the floor because we are looking at another crucial time to help those suffering from addiction. The press releases don't do anything for people suffering from these horrible illnesses who might turn next to heroin, and when nearly 9 out of 10 addicted to opioids aren't getting treatment, clearly there is much more that needs to be done so it is critical in this lameduck session to follow through with funding.

I have been encouraged by several of the conversations that have taken place over the last few days about finding a path forward to ensuring there be real funds for treating opioid addiction, but I have seen some of these debates before, and I have been encouraged before only to see the chance for progress stall out. I would like to note that I believe there is a special reason right now to stand up for patients and make sure they have access to treatment, that they have what they need.

In the next few weeks, the Congress is going to consider another piece of legislation called the 21st Century Cures Act. This will be a bill designed to encourage research and scientific development of new pharmaceuticals, fast-tracking the development of pharmaceuticals.

I don't take a backseat to anyone when it comes to supporting innovation and scientific research. In fact, early in my Senate days, I chaired the Senate's Science Subcommittee so I know how important it is. At the same time, this piece of legislation will also offer a great benefit to the large pharmaceutical companies in America. The Congress will be considering the Cures bill with the backdrop of so many who are addicted to opioids not being able to get access to treatment, and they are going to be concerned about how there will be more research for new drugs because we want to see these cures. They are going to ask: How are we going to afford them? We want the cures, but we also want to be able to afford these medicines.

Every time we look at a football game, we see dozens of ads for blockbuster drugs, but Americans watch those ads and say: Yes, we want those cures, yes, we want the scientific progress, but please, Congress, think about policies that are going to allow us to get those drugs. It is no wonder a recent editorial pointed out it was cheaper to fly round trip to India for a hepatitis C treatment than to get it here in the United States. People see these bills piling up. If they are able to afford their medications today, they are saying: Are we going to lose access tomorrow?

To me, here is the bottom line for the fall. Here is the bottom line for where we ought to go. Yes, we should support medical breakthroughs and research into cures, but let us not keep the patients out of the debate. Let us make sure we add the funds needed for treatment for those who are addicted to opioids, and as we look at this issue of cures, let us also look at policies to make sure people can afford their medicines.

The Committee on Finance has been looking at these issues. For example, recently, I raised a serious objection when I learned a panel meant to be studying how to turn the tide on opioid addiction was stocked with people closely tied to opioid manufacturers. We blew the whistle on that and four nominees to the panel were dismissed.

We have a lot to do this fall. I know time is short, but, yes, let us promote these new cures; yes, let us make sure people who are addicted to opioids have new opportunities for treatment; and as we look at drug development, let us make sure we don't see so many Americans on the outside looking in as prices go up and up and up. There is more work to be done on both fronts: ensuring access to new science, ensuring access to treatment services, ensuring access to affordable medicines. That is what we ought to be focusing on this fall.

With that, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

GOLD STAR FAMILIES VOICES ACT

Mr. BLUNT. Madam President, I ask that the Gold Star Families Voices Act be reported.

The PRESIDING OFFICER. Under the previous order, the Committee on Rules and Administration is discharged from and the Senate will proceed to the consideration of H.R. 4511, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (H.R. 4511) to amend the Veterans' Oral History Project Act to allow the collection of video and audio recordings of biographical histories by immediate family members of members of the Armed Forces

who died as a result of their service during a period of war.

The PRESIDING OFFICER. Under the previous order, there will now be 30 minutes of debate equally divided in the usual form.

The Senator from Missouri.

OPIOID ABUSE

Mr. BLUNT. Madam President, I am pleased to be here to talk about this bill. First of all, following up on what my friend just talked about on opioid abuse, I want to particularly thank the Chair for her leadership on this issue. Really, as the chairman of the appropriating committee that looked at this before we had any legislation, it was largely the Chair's effort that made us triple the amount of money we were committing to this cause over a year ago. I thank her for understanding this and advocating for it as one of the two or three earliest Members to bring to the attention of the Senate that this is a problem that affects rural America, urban America, small States, and big States. I thank her for her leadership.

Because of that, last year we had a 284-percent increase in the money committed to that. We doubled that amount again this year. Assuming we are able to move forward with the Labor, Health and Human Services bill this year, it will be virtually a 600-percent increase. We are already halfway there, and that first half was largely because of the Presiding Officer's understanding of this issue, and I am grateful for that.

Madam President, on the bill before the body today, I ask my colleagues to join me in supporting the Gold Star Families Voices Act. The legislation passed the House unanimously in September. I hope the Senate will do the same today.

In 2000, Congress created the Veterans History Project at the Library of Congress. That project was designed to collect and catalog the stories of American war veterans. The purpose of the project was "to preserve the memories of this Nation's war veterans so that Americans of all current and future generations may hear directly from veterans and better appreciate the realities of war and the sacrifices made by those who served in uniform during wartime."

To date, the Veterans History Project has collected the oral history records of over 100,000 veterans who have served in the military since World War I—100,000 stories preserved that wouldn't have been otherwise.

As important and extensive as that project is, as important as those 100,000 memories are, today the project only includes firsthand narratives. Now, what does that mean? That means that only people who are telling their own story are included in the stories we have created and have been able to secure because of the Veterans History Project, which effectively excludes the stories of veterans who didn't return from the battlefield—the men and women who lost their lives defending

this country. This legislation would ensure the stories of veterans who made the ultimate sacrifice would now be included in the archives.

How would this work? This bill would allow the family members of veterans who are missing in action or who have died as a result of their service to participate in the project and tell the stories of their loved ones. Immediate family members who can participate include parents, spouses, siblings, and children of veterans who were not able to tell their own story. We wouldn't be who we are today if it wasn't for the acts of courage and selflessness of our fallen heroes. We owe it to them, but we also owe it to their families to know of their names, their deeds, the honorable service they gave the country, and we need to preserve those memories. The families of these fallen heroes are in the best position to share their stories so future generations of Americans may never forget the people we owe our freedom to and have not been able to have their story told up until now. I think this legislation will make a great program even better and hope my colleagues will agree.

I thank the American Gold Star mothers for fighting to make this bill a priority. I thank Congressman CHRIS SMITH, who introduced this legislation in the House and who has been its ultimate champion. I was happy to be able to lead this bill through the Rules Committee.

I urge all my colleagues to join me today in helping to honor those who made the ultimate sacrifice and make sure their stories and those of their loved ones become part of this historic record.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I rise to bring up two key priorities—two important unmet needs—which I hope this body and the U.S. House will act on immediately and certainly by the end of the year.

The first is the Steve Gleason Act, legislation I drafted which passed last year but for a limited period of time. We need to make that permanent for reasons I will explain.

The second even broader need is to ensure that victims of the recent flooding in Louisiana—many families whose lives were devastated in incalculable terms—get the aid they need. We made an important downpayment on that before we wrapped up business before the elections, with the understanding that we would clearly revisit the issue between now and the end of the year.

Madam President, first, the Steve Gleason Act. As I said, I am very happy that last year the Senate and the House passed my legislation, the bipartisan Steve Gleason Act of 2015. It provided immediate relief to ALS, or Lou Gehrig's disease, and other similar patients who needed the help to make sure they had access to important, life-changing medical equipment.

I first heard about this need in 2014, when thousands of patients, patient advocates, and others came to Congress in order to bring attention to the devastating consequences of what was then a brandnew Medicare policy. The devices they were concerned with are critical for patients who have lost their ability to speak, to communicate with friends and family and doctors, to call 911 in case of emergency, ALS patients and others with similar debilitating diseases. These patients are locked in, unable to communicate, and it is only because of miraculous, relatively new devices that they can communicate with caregivers and the outside world. In most cases, this involves their using a computer screen and keypad, where they literally make eye contact with the keyboard on a computer screen, type out a message, and then the computer through a computer voice articulates that message to caregivers, family, doctors, and the outside world.

Because of a Medicare change—an unprovoked, unnecessary change in Medicare policy—many of these patients were denied access to these life-changing devices. The devices were literally confiscated in thousands of cases. They were not allowed to use this technological miracle to make them more fully independent.

Thank goodness, entered Steve Gleason, a superadvocate for the ALS community, an ALS patient himself. Steve is a former player for the New Orleans Saints. He famously blocked a punt during the first game in which the Saints reopened the Superdome after Hurricane Katrina; then, a few years after that, he was diagnosed with ALS himself.

Just as he gave the city of New Orleans a rallying point around which to rebuild after the devastation of Hurricane Katrina, through his organization Team Gleason, Steve also gives the ALS community and their families hope and a rallying point with his motto: "No White Flags."

I believe Steve's wife Michel summed up the cause of ALS patients like Steve and their loved ones succinctly when she said:

What causes me the most pain is the loss of his voice, I love hearing his voice. I want him to talk to me, and to our son Rivers. This disease takes his body; to take his voice just seems unfair.

Of course, this is where this life-changing device and this similar medical equipment helps plug the gap. This is why the horrible reversal in Medicare policy caused so many problems.

Steve and I worked together on legislation that would reverse that policy change and would give folks with ALS their voices back. Steve was my guest at the State of the Union speech in 2015. That day, we met with Secretary of Health and Human Services Sylvia Burwell and were able to build major momentum, resulting in Members on both sides of the aisle and both houses of Congress coming together and eventually passing my Steve Gleason Act of

2015, which became law on July 30 of last year. Senator KLOBUCHAR from Minnesota and Senator KING from Maine were especially supportive and aggressive in getting this bill to the finish line, and I thank them again for their partnership and their support.

The act reinstated the longstanding Medicare policy to offer immediate relief for patients experiencing incredible difficulty accessing the important life-changing equipment I described. The Steve Gleason Act of 2015 was a huge win for thousands of ALS patients, their families, caregivers, and others, but we need to make this act permanent. It is of limited duration as it was passed last year. We need to make it permanent. It is as simple as that. We need to do it between now and the end of the year.

So I encourage all of my colleagues to come together, as we did last year, to take this commonsense step to empower these patients to be in touch with the outside world and their family and their caregivers—literally give them voice, literally empower them, as Steve has inspired and empowered so many others with ALS.

FUNDING FOR LOUISIANA FLOOD VICTIMS

Madam President, I also rise to talk about another key unmet need that is even of broader scope. As I said a few minutes ago, that is the urgent need between now and the end of the year to pass emergency help for the recent flood victims of Louisiana who were devastated by the consequences of that enormous flood.

Unfortunately, because there were lots of other things in the news at the time when that flooding happened in Greater Baton Rouge and Acadiana, a lot of Members and folks around the Nation don't fully appreciate and understand the gravity of that flooding. It was way underreported in the national media. It was way underappreciated and not fully understood by us in the Congress. We have solved some of that in the months since then, but still, to this day, so many Americans don't understand the gravity of that flooding.

The flooding I am describing a few months ago in Greater Baton Rouge and Acadiana in Louisiana is the fourth worst natural disaster we have experienced in a decade or more, only behind Hurricane Katrina, Superstorm Sandy, and Hurricane Ike—the fourth worst natural disaster by any reasonable metric, such as FEMA individual assistance. Louisiana had over 114,000 homes—114,000 homes—with a verified loss. Let's do a comparison to understand the scope of that.

In 2016, Missouri had horrendous flooding, very serious flooding, and I certainly supported an appropriate response there. That was about 2,500 individual registrations. South Carolina had even greater flooding in 2015. That was 26,000 individual registrations. Northern and Central Louisiana in March of this year had major flooding. That was 40,000 individual registrations. We are talking 114,000 homes

with verified loss. That is comparable to the loss in New York State from Superstorm Sandy. In Superstorm Sandy, there were 124,000 homes with verified loss in New York—about the same number. Again, we are talking about 114,000 homes in Louisiana. Now, that was not all of Superstorm Sandy, just New York. I am not counting New Jersey. That was another significant number, but that gives us a sense of the magnitude we are talking about.

I thank all of our colleagues and our colleagues in the House and President Obama for proposing the beginning of an appropriate response. Before we broke for the elections, we did pass significant emergency funding to go beyond the normal help in the Stafford Act and other statutes that pertain to FEMA and related agencies. About \$400 million was sent to the flood victims in Louisiana, but by any metric, that can only be the beginning. In fact, President Obama at the time and Congressional leaders at the time pledged that this would be the beginning and that we would come back now and, between now and the end of the year, finish an appropriate response.

I mentioned losses in New York caused by Superstorm Sandy. It was just a little more losses on homes flooded than we are talking about in Louisiana, and yet New York received \$8.6 billion related to that in emergency CDBG funds. We are not asking for near that amount, but that gives you a sense of the magnitude of the need. Certainly, the request the Governor and others—including myself and Senator CASSIDY—have put forward is fully justified by the numbers, by the metrics.

I would simply ask all of our colleagues in the Senate and all of our colleagues in the House to do the right thing—to look at the facts, to look at the figures, to look at the numbers, and to make the appropriate response, as we have in every other previous disaster, as we did in the lesser flooding in South Carolina, as we did in Missouri, as we did, certainly, with Superstorm Sandy, with Ike, Katrina, and Rita, et cetera—no special treatment. Just look at the numbers and look at the metrics. Do the right thing.

Our request from Louisiana is fully in line with that and fully justified by that precedent. It is a serious natural disaster. It was woefully under-reported. So it is important that we all learn more about it, focus on it, understand the magnitude of the loss, and ensure that we respond properly and adequately before the end of the year.

I look forward to continuing to work with all of my colleagues, starting with Senator CASSIDY, to do just that.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ISAKSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the bill having been read the third time, the question is, Shall the bill pass?

Mr. ISAKSON. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ), the Senator from Georgia (Mr. PERDUE), and the Senator from Alabama (Mr. SESSIONS).

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 152 Leg.]

YEAS—97

Alexander	Flake	Murray
Ayotte	Franken	Nelson
Baldwin	Gardner	Paul
Barrasso	Gillibrand	Peters
Bennet	Graham	Portman
Blumenthal	Grassley	Reed
Blunt	Hatch	Reid
Booker	Heinrich	Risch
Boozman	Heitkamp	Roberts
Boxer	Heller	Rounds
Brown	Hirono	Rubio
Burr	Hoeven	Sanders
Cantwell	Inhofe	Sasse
Capito	Isakson	Schatz
Cardin	Johnson	Schumer
Carper	Kaine	Scott
Casey	King	Shaheen
Cassidy	Kirk	Shelby
Coats	Klobuchar	Stabenow
Cochran	Lankford	Sullivan
Collins	Leahy	Tester
Coons	Lee	Thune
Corker	Manchin	Tillis
Cornyn	Markey	Toomey
Cotton	McCain	Udall
Crapo	McCaskill	Vitter
Daines	McConnell	Warner
Donnelly	Menendez	Warren
Durbin	Merkley	Whitehouse
Enzi	Mikulski	Wicker
Ernst	Moran	Wyden
Feinstein	Murkowski	
Fischer	Murphy	

NOT VOTING—3

Cruz	Perdue	Sessions
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The bill (H.R. 4511) was passed.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from South Dakota.

MORNING BUSINESS

Mr. THUNE. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ELECTION AND REPUBLICAN PRIORITIES

Mr. THUNE. Mr. President, there is no doubt that the election we have just been through was a bad one. Emotions ran high on both sides and are still running. But this is hardly the first time it has happened in our history, and it won't be the last.

Take the election of 1800, for example. The campaign between John Adams and Thomas Jefferson was no picnic either. It was emotional, hard fought, and full of partisan attacks. Each side alleged that the other would bring about ruin to our young Nation.

In his novel address, the new President, Thomas Jefferson, specifically referenced the contentious process that the Nation had just gone through, but then he said the following: “[B]ut this [meaning the election] being now decided by the voice of the nation, announced according to the rules of the Constitution, all will, of course, arrange themselves under the will of the law, and unite in common efforts for the common good.”

Let me repeat that: “all will . . . arrange themselves under the will of the law, and unite in common efforts for the common good.”

That is the key. That is what separates our Nation from tyrannies and other oppressive forms of government. In the United States, we may have contentious elections. But at the end of the day, we accept the results, and we move forward for the common good. That doesn't mean we give up fighting for what we believe in, of course, but we fight within the law, not outside of it.

Our form of government endures because as a nation we respect the rule of law. But there is another thing to remember about elections—not just the obligation that we have to accept the results and move forward, but something else, and that is what President Obama reminded us of the day after the election: We are all Americans, and at the end of the day, we are all on the same side.

Everyone is sad when their side loses an election, but the day after, we have to remember that we're actually all on one team. This is an intramural scrimmage. We're not Democrats first. We're not Republicans first. We are Americans first. We are patriots first.

That is from President Obama the day after the election. Indeed, we are Americans who believe in God-given freedoms, and what unites us is greater than what divides us. In the coming days, I look forward to working with my fellow Americans from both parties to meet the challenges that are facing our Nation.

There is one thing that this election made clear: It is that this economy is not working for American families. In one CNN exit poll last Tuesday, 63 percent of voters rated the economy as poor. That result should not surprise anyone. The last few years have been tough for American workers. Job creation has been sluggish. Wages have been stagnant. Economic growth has lagged far behind the pace of other recoveries, and opportunities for workers have been few and far between.

There is no wonder so many hard-working Americans feel that they have been left behind. To the millions of American workers who are discouraged by this economy I want to say this: We

hear you. Republicans hear you. I promise you, we are going to act. Growing our economy is going to be our No. 1 priority next Congress.

There are a number of things we can do to get the economy healthy again. We can reform our Tax Code to reduce the burden on American families and businesses. Right now our Nation has the highest corporate tax rate in the developed world. More and more American companies are focusing their business operations overseas because the tax situation is so much better abroad.

That means American jobs are going overseas with them. We have lost our competitive edge in an increasingly global economy. Instead of pushing corporations out of our country, we should bring our Nation's corporate tax rate in line with those of other countries to keep more jobs here in the United States.

Another big thing we can do is repeal some of the burdensome government regulations that are weighing down businesses. While some government regulations are necessary, every administration has to remember that regulations have consequences. The more resources individuals and businesses spend complying with government regulations, the less they have available to focus on the growth and innovation that drive our economy and create new opportunities for American workers.

Over the past 8 years in particular, businesses have had to devote far too many resources to complying with government regulations. That has left them with few resources to dedicate to growing and creating jobs.

Another thing we need to do is address our national debt, which has nearly doubled over the past 8 years. That debt is a drag on our economy. It slows growth and reduces economic opportunity. It is time to get our government back on a budget.

Another way we can help lift the burden on American families is by repealing and replacing ObamaCare. The President's health care law is broken. The promise of lower premiums and affordable health care has given way to the reality of giant premium increases and massive deductibles. It is time to give the American people health care reform that actually works.

Another priority of the new Republican Congress will be national security. Americans are rightfully worried about the threat posed by terrorist groups such as ISIS, which has spread violence and devastation not only in the Middle East but across Europe and beyond. We have even experienced ISIS-inspired terrorist attacks on American soil in San Bernardino and Orlando.

More recently, there were attempted bombings in New York and New Jersey and an ISIS-inspired stabbing attack in Minnesota. Republicans are committed to defeating ISIS abroad and keeping Americans safe here at home. We intend to make sure that our law enforcement agencies and our Nation's

military have the tools they need to defeat terrorist threats. We will make sure that our military men and women remain the best equipped and the most prepared fighting forces on the planet.

Another key component to keeping Americans safe is securing our borders. We must have secure borders and policies that encourage legal immigration while discouraging illegal immigration.

Then there are the other priorities we need to address: confirming a Supreme Court nominee who will judge based on the law and the Constitution, protecting religious liberty, encouraging investment in our Nation's infrastructure, and more.

To all the Americans who voted for change in this election, to every worker who has felt left behind in this economy, I want to say again: We hear you. Republicans hear you. We are going to fight for your priorities here in Washington. We are committed to earning the trust that you placed in us on election day.

The election is over, and it is time to take up the work of governing the Nation. Our Nation is facing many challenges. It is time for all of us—Democrat and Republican, liberal and conservative—to unite to address them. If we work together, I firmly believe we will once again be able to say, as President Ronald Reagan once said:

American's best days are yet to come. Our proudest moments are yet to be. Our most glorious achievements are just ahead.

I yield the floor.

The PRESIDING OFFICER (Mr. DAINES). The Senator from Arizona.

EARMARKS

Mr. FLAKE. Mr. President, a lot like indigestion, the desire for earmarks keeps coming back up. Tomorrow afternoon our colleagues in the House will vote on a provision to overturn the Congressional ban on earmarking. As someone who helped put that ban in place, I believe it is important to explain why it is very much still a necessity.

Consider the following: A teapot museum in North Carolina, an indoor rain forest in Iowa, bridges to nowhere in Alaska, a sheep institute in Montana, a Woodstock museum to commemorate the 1969 concert in New York, a \$350 million rocket launch site in Mississippi that was mothballed upon completion that has been derided as the "tower to nowhere," and the weather museum in Punxsutawney, PA. These are just some of the more infamous pork projects that were tucked into bills in Congress here during the bygone earmark era.

During the heyday of earmarking in 2006, I believe there were some 16,000 earmarks spread around among the appropriations bills at that time. Members of Congress gleefully touted the outrageous manner in which billions of dollars were being misspent on obscure, parochial projects. Earmarks were the

currency of what was dubbed the "favor factory" by a superlobbyist who would eventually go to jail for corruption.

Earmarks were used to reward campaign donors and political supporters and to buy and sell the votes of politicians. The deciding vote that was necessary to pass ObamaCare, for example, was secured with an earmark for Nebraska and derided as the "Cornhusker Kickback."

Republicans lost control of Congress in 2006, in part, as a result of the public's disgust with the corruption within the favor factory. When Republicans retook the House of Representatives in 2010, a moratorium was put on Congressional earmarking, which the Senate also adopted. That remains in place to this day.

Now some Republicans in the House are pushing to reopen the favor factory by lifting the moratorium, promising this time it will be different. Taxpayers ought to know that these promises are simply hogwash. Having spent years fighting against earmarks, I am disappointed that one of the very first votes after this election will be on a Republican-led proposal to bring back earmarks.

Congress should instead immediately pass legislation to make the ban on earmarks a permanent statutory prohibition. After all, you cannot drain the swamps by feeding the alligators pork. With our national debt approaching \$20 trillion, taxpayers expect Congress to focus on cutting wasteful and unnecessary spending instead of pigging out at the trough.

One of the worst parts of earmarks is that we spend our time here when we are earmarking not providing oversight for the massive appropriations bills that get passed. That is the worst part of it. We spend time doling out what amounts to a small portion of the Federal budget, but it takes so much time and effort from Members and their staffs just to secure that small bit of money that we are not spending the time we should providing oversight on the rest of the budget. That is the biggest crime of earmarks.

Instead of bringing them back, I hope that we will actually pass a statutory prohibition that will remain.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

IMMIGRATION

Mr. DURBIN. Mr. President, like the majority of Americans who supported the Democratic candidate for President in the most recent election, I was disappointed by the results. But last Wednesday, I publicly congratulated President-Elect Donald Trump. I believe the bedrock principle of America is that we select our leaders and then come together as a country to try to find common ground and move forward.

On election night, the President-elect said:

Now it is time for America to bind the wounds of division. To all Republicans and Democrats and independents across the Nation, I say it is time for us to come together as one united people.

I agree with the President-elect's statement. During the campaign, President-Elect Donald Trump used incendiary and offensive language about immigrants and immigration. I condemned those remarks at the time. I remain concerned about their impact on our Nation.

But all Americans have an obligation to give this incoming President a chance. I am hopeful that he will keep his promise of election night to bind the wounds of division, to bring our Nation together. If he does, I look for opportunities where we can work together. As a first step in bringing our Nation together, I hope Mr. Trump will change his rhetoric and his approach to immigration.

As the President-elect knows, we are a nation of immigrants, and immigration makes us stronger. Like me, Mr. Trump is the son of an immigrant. When Mr. Trump takes the oath of office in January, the United States will have a First Lady who is an immigrant for only the second time in our history and for the first time since 1801 when President John Quincy Adams's wife, Louisa Catherine Adams, was the First Lady of the United States.

During the campaign, Mr. Trump pledged to deport all 11 million undocumented immigrants, but in an interview with "60 Minutes," he recently said he wanted to focus on deporting undocumented immigrants with criminal records. He acknowledged that millions of undocumented immigrants are "terrific people."

I wish to speak for a few moments about some of those terrific people. These words are important to me. I listened to them carefully.

It was 15 years ago when I introduced a bill known as the DREAM Act. My cosponsor at that time was Senator ORRIN HATCH of Utah. This bipartisan bill recognized the fact that many of the undocumented in America were brought here as children. They didn't make the family decision to get in the car, to head for America—adults did. Some of them were only infants. But they came to this country, and they have lived in this country since. They go to school in America. They stand and pledge allegiance in the classroom to the only flag they have ever known. They speak English, and they believe their future is in this country.

These were the DREAMers, and our bill said: Give them a chance. If they finish school and they have no serious criminal record, give them a chance to earn their way to legalization and citizenship.

Well, for 15 years this bill has been pending. Sometimes, it passes the Senate. Sometimes, it passed the House. It never quite passed both Chambers in the same year, and so it is still an aspiration and not legislation.

It was 6 years ago when I wrote a letter to the President, President Obama, joined by Senator Dick Lugar, a Republican from Indiana. On a bipartisan basis, we asked the President of the United States to protect these young DREAMers who grew up in America from deportation.

These kids deserve a chance. We have invested in them. We have given them a good education in American schools, and it makes no sense to squander their talents by deporting them to countries they barely know.

The President, President Obama, responded. He established the Deferred Action for Childhood Arrivals Program, known as DACA. DACA provides temporary, renewable, legal status to immigrant students who arrive in the United States as children. Approximately 740,000 of these young people have come forward and signed up for DACA. DACA has allowed them a chance, without the fear of deportation, to contribute more fully to our country as soldiers, nurses, teachers, engineers, and police officers. DACA is based on the DREAM Act. It gives these undocumented students who grew up in this country a chance to earn their way toward legal status.

It is clearly legal. Like every President before him, President Obama has had the authority to set immigration policy, and the Supreme Court has repeatedly held that the Federal Government has broad authority in this area.

DACA is not just legal. It makes sense. The Department of Homeland Security only has enough funding to deport a small fraction of undocumented immigrants. So the President—our current President—and the President-elect say: Let's focus on those who might cause harm to America. I agree with them. That is just common sense.

But at the same time, President Obama has said: Why would we want to waste resources deporting young immigrant students who grew up in this country and are making a great contribution? During the campaign, President-Elect Trump pledged that he would end DACA. I hope that he will reconsider that position.

I have come to the floor over the last several years to tell the stories of these DREAMers. I can give speeches all day about who they are, but some of them have the courage to step up and really tell America who they are.

Today I wish to speak to you about one of them. His name is Oscar Cornejo, Jr. In the year 2000, when Oscar was only 5 years old, his family came to the United States from Mexico. Oscar grew up in Park City. It is a small, northern suburb of Chicago, in my home State of Illinois.

He was quite a student. In high school he was a member of the National Honor Society and an Illinois State scholar. He received several Advanced Placement awards and graduated high school magna cum laude. This is what Oscar said about his high school years:

My parents always instilled in me the value of an education, which is one of the main reasons they decided to leave everything in Mexico and come to the United States. I dedicated myself solely to my education to honor the sacrifices my parents made.

It was because of those outstanding academic achievements in high school that Oscar was admitted to Dartmouth College, an Ivy League school in Hanover, NH. He is the first member of his family even to attend college.

Oscar has excelled at Dartmouth. During his freshman year, Oscar received the William S. Churchill prize for outstanding academic achievement and contributions to the college in the areas of "fairness, respect for duty, and citizenship."

Oscar serves on the student board that judges violations of the Dartmouth honor code. He cofounded and codirected the college's first immigrant rights organization, and now he is in his senior year at Dartmouth.

He wants to be a teacher. He has applied to graduate school at the Institute for Recruitment of Teachers at Phillips Academy. He wrote a letter to me and said:

When I received my DACA, the threat of deportation had been lifted and I felt I could actually achieve my dreams. DACA has allowed me to work for the first time and the money I earn goes to support my education and my family.

Oscar and so many other DREAMers have so much to give to America. If we eliminate DACA, Oscar will lose his legal status. He will be subject to deportation at any moment, and he could be deported back to Mexico, a country where he hasn't lived for 15 years.

Will America be a stronger country if we lose Oscar Cornejo or if he stays here and becomes a teacher? I think the answer is very clear.

I hope that President-Elect Trump will consider that this young man is in a different category than someone who came into this country and committed a serious crime. This is a young man who did just the opposite. He led a good life. He was successful in high school. He has gone to college without any Federal assistance whatsoever. He doesn't qualify for a penny, yet he has excelled and still, despite all these struggles, wants to give back to this Nation, the only country he has ever called home. Losing him would be a loss to America.

I appeal to the President-elect: Think long and hard about the future of this country. Realize that he and I—the President-elect and myself—as first-generation Americans, have to understand that it is immigration that has brought so much by way of diversity and talent to the great United States. We can't shut down DACA. That would be horrible. It would mean that 744,000 young people such as Oscar, protected from deportation, would wake up the next morning wondering if that knock on the door was the last they would hear as a resident of America. I am going to fight for Oscar and for the

744,000 who qualify for DACA and for the DREAMers like them who came here as children and simply asked for a chance.

There is real division in the Senate, the House, and in the country when it comes to immigration. As I have told these stories on the floor—almost 100 of them now—I have noticed a number of my colleagues from the other side of the aisle say: That really is a different situation. This is a young child who should be given a chance. Now is the time for America—this Nation of immigrants—to heal our wounds that divided us during this election.

I hope and pray that the President-elect, by word and action, in the coming weeks and months will truly bring us together.

CONGRATULATING THE CHICAGO CUBS ON WINNING THE WORLD SERIES

Mr. DURBIN. Mr. President, for 16 years, broadcaster Harry Caray was the voice of the Chicago Cubs. He wasn't in Yogi Berra's league linguistically. Harry Caray could turn a phrase.

"Holy cow!" was one of Harry Caray's signature lines. Another legendary Harry Caray line that made people jump for joy was this:

It might be. It could be. It is! A home run!

Harry Caray loved baseball. He loved Chicago. He loved the Cubs. But most of all, he loved the Cubs fans, those generations of fans who packed Wrigley Field every year, almost certain that their team would lose but hoping for a miracle. Harry Caray once said of the citizens of Cubs Nation:

This has been the remarkable thing about the fans in Chicago, they keep drawing an average of a million-three a year, and when the season's over and they've won their usual 71 games, you feel that those fans deserve a medal.

Well, Harry Caray passed away in 1998. But like every Cubs fan, he believed until his final breath that the Chicago Cubs, those loveable losers, would one day reclaim the title as Major League Baseball's World Series champions, a title they held and won in 1908.

Well, Harry Caray was right. The day came. Miraculously, in the early morning hours of November 3, in the 10th inning of the 7th and deciding game against the gritty, formidable Cleveland Indians, the Chicago Cubs won the 2016 World Series. That heart-stopping game 7—in fact, the whole series—was a contest for the ages and one that Cubs fans will be talking about for generations.

Let me say it again. The Cubs' improbable, come-from-behind World Series championship marks the first time since 1908 that the Cubs won the World Series. Their 108-year drought with our World Series trophy marked the longest losing streak of any team in any sport in the United States of America. But all those years of dashed hopes and deferred dreams are history.

The curse of the billy goat and the omen of the black cat are all dead. Fly the W and hoist the trophy. The 2016 Chicago Cubs are the World Series champs, the very best in baseball. They posted the winningest record in Major League Baseball, with 103 victories to 58 losses, and they finished 17½ games ahead in their division, ahead of the St. Louis Cardinals, always a formidable baseball team. It was the first time the Cubs had posted the most wins in baseball since 1945 and the first time the Northsiders had won 100 games since 1935.

In postseason play, the Cubs launched a ninth-inning comeback to take the National League division series against the Giants in four games. Then it was the Dodgers. After losing in back-to-back shutouts, trailing the Dodgers 2 to 1 in the series, the Cubs rallied to beat the Dodgers in six games and claimed their first National League championship in 17 years.

For generations, the World Series has broken many a Cubs fan's heart. After winning the Fall Classic in 1907 and 1908, the Cubs went on to lose the World Series in 1910, 1918, 1929, 1932, 1935, 1938, and 1945, their last World Series appearance until this year.

Yet, against history and against reason, as the 2016 World Series began, Cubs fans dared to believe. Maybe this was the year. Their faith was tested. The Cleveland Indians are a great and gutsy ball club. They took an early and commanding control of the Series, leading the Cubs three games to one in the best of seven.

Then the magic started. With their backs to the wall, one defeat away from elimination, the Cubs roared back to win the final three games of the Series and brought the World Series trophy home to Chicago. They clinched the World Series in game 7 with an 8-to-7 win in extra innings. The game was tied 6 to 6 after nine innings. The suspense was heightened by a rain delay that was called just as the 10th inning was about to start. The rain stopped the game for 17 minutes. The Cubs scored 2 runs when they came back in the top of the 10th inning on a double by Ben Zobrist and a single by Miguel Montero.

The Indians scored a run in the bottom of the 10th inning, but it wasn't enough. The final score: Cubs 8, Indians 7.

Ben Zobrist was named World Series MVP. It was only the sixth time in World Series history that a team had come back from a deficit of three games to win a championship. The last team to pull it off was the Kansas City Royals in 1985.

This World Series victory was truly a team victory. Every member of the team and organization deserves credit.

Cubs General Manager Theo Epstein, destined for the National Baseball Hall of Fame, arrived in Chicago in 2011 with the challenge of rebuilding an organization that had tried everything to no avail. It took him five seasons,

three managers, and dozens of trades, but he won. After game 7, he said he was just proud to bring the World Series trophy back to Chicago for Cubs legends Billy Williams and the late Ernie Banks and Ron Santo and for the generations of fans who never stopped hoping.

What can we say about Cubs Manager Joe Maddon? He urged his players in spring training to "Embrace the Target." When the chips were down, he had never doubted the Cubs were the finest team. While some may view his style as unorthodox, his confidence in his players carried over onto the field. The Cubs never panicked. They got their job done.

Maddon spent decades in Major League Baseball before coming to the Cubs. With this World Series trophy, he joins a small list of managers to win pennants in the American and National Leagues. He earned the 2015 National League Manager of the Year, and I am betting he is going to claim the title again this year.

I congratulate the players—the World Series champion Cubs.

Mr. President, I ask unanimous consent to have printed in the RECORD the names of the players.

There being no objection, the names were ordered to be printed in the RECORD, as follows:

Anthony Rizzo;
Kris Bryant;
Javier Baez;
Addison Russell;
Miguel Montero;
Willson Contreras;
Jon Lester;
Jake Arrieta;
Kyle Hendricks;
John Lackey;
Aroldis Chapman;
Jason Heyward;
Dexter Fowler;
Jorge Soler;
Chris Coghlan;
Albert Almora, Jr.;
Mike Montgomery;
Carl Edwards, Jr.;
Pedro Strop;
Hector Rondon;
Travis Wood; and
Justin Grimm.

Mr. DURBIN. Mr. President, I am going to wrap up. I see the majority leader is on the floor, but I know he is a big sports fan.

Catcher David Ross, playing in the final game of his career, made history when he hit a home run in the fifth inning of game 7 to give the Chicago Cubs a 6-to-3 lead. At 39 years of age, almost 40—a senior by baseball standards—Ross became the oldest player ever to hit a home run in World Series game 7.

Kyle Schwarber—what a comeback—tore his ACL in the third game of the season and worked his whole season in physical rehab to try to come back. He made it just in time to play in the World Series. He ignited the Cubs' 10th inning rally in game 7 with a lead-off single and finished the Series with a .412 average and two RBIs.

And then there is Ben Zobrist, the pride of Eureka, IL, and the MVP of 2016.

I want to also congratulate the Cleveland Indians' manager Terry Francona and their entire organization and one of their best and most loyal fans, Senator SHERROD BROWN. As Terry Francona said after game 7, they tried until there was nothing left.

The epicenter of Cubs Nation is on the North Side of Chicago, but it is much bigger. It reaches across America. The Cubs Nation has fans in every city. Probably the most amazing parade I have ever attended—and I have been to hundreds—was the Cubs' victory parade. They estimated the crowd at 5 million. I tell you what, I think they are right. The population of the city of Chicago is 2½ million, just to give an idea of how many they drew.

I will close with a short story. Although that 108 years between World Series victories brought much heartache to the Cubs Nation, there was joy after the drought. Quite a bit of that joy was listening to the legendary broadcaster who preceded Harry Caray as the voice of the Cubs. His name was Jack Brickhouse—or just “Brick”—to his friends. He was born in Peoria and he was the first voice of the Cubs. He was the play-by-play announcer from 1948 until 1981. He called games for the White Sox, the Bears, and the Bulls. No wonder he is in both the Baseball and the Broadcasters Hall of Fame.

On May 12, 1970, he was in the broadcaster's booth when “Mr. Cub,” the great Ernie Banks, reached a milestone few players ever achieve. Pat Jarvis was pitching for the Braves, and this is how Brickhouse called the play:

Jarvis fires away. That's a fly ball, deep to left, back . . . Hey! Hey! Ernie Banks got number 500! Everybody on your feet. This . . . is . . . it!

And then Jack Brickhouse added his signature refrain: “Wheeeeeee!”

When the Cubs won this World Series, I suspect that up in Heaven Brickhouse, Caray, Banks, Santo, and countless other Cubs' players joined those fans who had been waiting for that World Series for 108 years. At long last, the Cubs are baseball's real champions.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, before my friend from Illinois leaves the floor, among the fascinating stories connected with the Cubs' great victory, was it not the case they found three 108-year-old women? I believe one lived in New Hampshire. I read a story about her. And then I guess the other two were still in Chicago; is that correct?

Mr. DURBIN. That is how I remember it, yes. I don't know if you read the epilogue, but one of those 108-year-old women passed away within a few days of the Cubs' win of the World Series.

Mr. MCCONNELL. Satisfied, I am sure, and ready to finally go on.

Mr. DURBIN. Died with a smile.

Mr. MCCONNELL. It was a great, great story. Congratulations.

AMERICAN ENERGY AND CONSERVATION ACT OF 2016—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to Calendar No. 543, S. 3110.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 543, S. 3110, a bill to provide for reforms of the administration of the outer Continental Shelf of the United States, to provide for the development of geothermal, solar, and wind energy on public land, and for other purposes.

CLOTURE MOTION

Mr. MCCONNELL. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 543, S. 3110, a bill to provide for reforms of the administration of the outer Continental Shelf of the United States, to provide for the development of geothermal, solar, and wind energy on public land, and for other purposes.

Bill Cassidy, John Cornyn, Pat Roberts, Mike Crapo, Lamar Alexander, Shelley Moore Capito, Daniel Coats, Mike Rounds, Richard Burr, John Barrasso, John McCain, Orrin G. Hatch, Thom Tillis, Johnny Isakson, John Boozman, David Vitter, Mitch McConnell.

Mr. MCCONNELL. I ask unanimous consent that the mandatory quorum call be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

REMEMBERING BERLIN FOREST HOWARD III

Mr. MCCONNELL. Mr. President, I wish to pay tribute to a distinguished Kentuckian and beloved member of the Cumberland Gap National Historical Park family who I regret has recently passed away: Berlin Forest Howard III. Mr. Howard was lost while performing his job in service to our national parks. He was 27 years old.

On August 22 of this year, a tragic accident befell him as he was mowing the lawn in the park, and he was pronounced dead shortly after being rushed to the Middlesboro Appalachian Regional Hospital.

Mr. Howard's loss has been felt by many and has inspired those who were close to him to reflect on what joy he brought to all those around him. Mr. Howard had a happy, bright aura about him. He was someone who would always be caught smiling and bringing light to others with his positive attitude. He was dedicated to the national

park and proud of his Appalachian heritage. His memory will continue on through his two children, Reid and Xander.

My thoughts go out to the Howard family during this time of grief. I want to thank Mr. Howard for his many years of dedication to preserving a park that is a treasure, not just for the Commonwealth of Kentucky, but also the Nation. I am sure my Senate colleagues join me in expressing gratitude and admiration for Mr. Howard's life and legacy of service as well.

An area publication, the Mountain News WYMT, published an article on this sad incident. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From WYMT, Aug. 23, 2016]

FRIENDS MOURN THE LOSS OF MAN KILLED WHILE MOWING GRASS

(By Caleb Noe)

BELL COUNTY, Ky.—Across the country, park rangers wear a black band across their badges, mourning the loss of one of their own.

“The Cumberland Gap staff is a family in itself. Knowing that one of our own is no longer with us is definitely having its toll,” said Supervisory Park Ranger Carol Borneman.

Berlin Forest Howard III, 27, a maintenance worker at Cumberland Gap National Historical Park, was killed on the job while mowing the grass.

We're told the incident happened just off of Pinnacle View Road, at the national park Monday morning, when a van collided with Howard, who was on a riding lawn mower at the time.

“It's just hard to understand. It just makes us all think about telling our children every day how much we love them, because you don't know when you're going to have that chance again,” said Bruce Thompson, a family friend.

Bruce Thompson watched Howard grow up in Middlesboro and says it's hard to find another young man as compassionate, caring, and hard-working.

“[He] just absolutely loved life. He'd do anything to help you. It didn't matter what time of day it was. If he could help you, he'd help you. It's hard to find that caliber of a person,” said Thompson.

Recently, Howard took an interest in golf and actually won a “closest to the pin” contest at Middlesboro Country Club, just last Tuesday.

“He was very dedicated to trying to master the game,” said Thompson.

Friends and family members will try to come to terms with the loss of a son, brother, and father.

TRIBUTE TO LEONARD DISHMAN

Mr. MCCONNELL. Mr. President, I wish to recognize a venerable Kentuckian and veteran, Leonard Dishman. Mr. Dishman, along with a group of other veterans, was recently a participant in an honor flight visit to Washington, DC, and he was also recently recognized for his accomplishments in service by his hometown of Monticello.

World War II veteran Leonard Dishman experienced an unforgettable

day on October 1 of this year when he, along with 75 other veterans, participated in honor flight. This memorable day began for Mr. Dishman at 4 a.m., when he and his daughter departed for the Lexington airport.

Upon arrival, he and his fellow veterans were greeted by Governor Matt Bevin and others who were there to wish them a good trip. Mr. Dishman's guardian for the trip, Larry West, commander for the local Disabled American Veterans, expressed how honored and proud he was to be a part of such an "inspirational day."

Honor flight provides an opportunity for veterans to visit the memorials in Washington honoring their service to our country. When Mr. Dishman and the other veterans landed in DC, they were given a police escort to every stop they made in the city. They visited the World War II Memorial, the Korean War Memorial, and Arlington Cemetery before they flew back to Lexington in the evening, where they were welcomed back by lines of people waving flags.

Mr. Dishman told his guardian, Larry West, that it had been "the best day of his life." That same day, Mr. Dishman, a native of Monticello, was escorted by police with his family back to his hometown, where he was presented with a declaration proclaiming October 1, 2016, "Leonard Dishman Day."

Honor flight is very close to my heart, as my own father served in World War II in the European theater, and I am grateful to have had the privilege of meeting with several honor flight participants in the past. I am extremely proud to represent Leonard Dishman, such a remarkable man and veteran here in the Senate, and I extend my thanks for his service. I am sure my colleagues join me in expressing gratitude for his service as well. He truly represents the best of Kentucky.

An area publication, the Outlook, recently published an article detailing Mr. Dishman's day with the Honor Flight program. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Outlook, Oct. 12, 2016]

DISHMAN HAS MEMORABLE DAY ON HONOR FLIGHT TO WASHINGTON, D.C.

Saturday, October 1 is a day that 91-year-old Leonard Dishman will never forget. He packed a whole lot of memorable experiences in less than 24 hours, beginning with an early morning flight from Lexington to Washington, D.C. and ending with a special ceremony commemorating a day in his honor back in his hometown of Monticello.

Dishman, a World War II veteran, was among 75 veterans who participated in Honor Flight that day. Dishman, like so many veterans, had never gotten the opportunity to visit the World War II Memorial, until he participated in Honor Flight.

Honor Flight's mission is to fly World War II, Korean War and Vietnam veterans to Washington, D.C. for a one-day, all-expenses-paid visit to the memorials that are dedicated to their service and sacrifices. The Oc-

tober 1 Honor Flight was one of only two this year, and it was sponsored by Toyota Manufacturing.

The day began very early for Dishman and his family, according to his daughter, Anneda Guffey. They left for the airport about 4 a.m. Once at the airport, the celebration began, as organizers had put together a big send-off for the veterans. Governor Matt Bevin and others were there to wish them well on their day.

Larry West, commander for the local Disabled American Veterans, served as Dishman's guardian for the trip.

"It was such an honor for me to be a part of this," West said. "It was just an inspirational day, and I am proud to have been part of it."

West and other members of the local D.A.V. learned more about Honor Flight when Gary Campbell from the organization spoke to them about it earlier this year. Since Dishman was the oldest member of the local D.A.V., West thought it would be a great experience for him. He noted that the priority of Honor Flight is to involve World War II veterans.

Also at the send-off were members of a sorority that provided breakfast for the veterans and their families. Once the plane landed in Washington, D.C. the group enjoyed a police escort to every stop along the way.

West noted that they also visited the Korean War Memorial and the Vietnam War Memorial. The group went to Arlington Cemetery, where they watched the changing of the guard and the placing of the wreaths.

After a jam-packed day of touring different memorials, the veterans and their guardians flew back into the Lexington airport, where a heroes' welcome awaited them.

Two lines of people waited, waving flags and cheering. West noted it was just like a parade.

"Leonard worked the crowd . . . He had a ball," said West. "He told me later that this was the best day of his life."

It was about to get even better, as the group of local residents returned to Monticello. Dishman and his family were greeted by policemen who escorted them to the area near Ringley Tire on North Main Street. Family and friends greeted Dishman and he was presented with a proclamation designating October 1, 2016 as "Leonard Dishman Day."

The proclamation noted the many military accomplishments of Dishman, including receiving the Bronze Star of the Philippine Islands for Liberation, two overseas bars, the Atlantic Pacific Theater Ribbon, the Army of Occupation Medal of Japan, the Good Conduct Medal, the Combat Infantry Badge and the American Defense Medal.

Dishman was named the D.A.V. Veteran of the Year in 2011.

Dishman was overwhelmed by the turnout and the reception he received.

"I want to express my appreciation to D.A.V. Commander Larry West, who was my guardian for the day, to the Monticello Women's Club, the Monticello Police Department, the Wayne County Sheriff's Department and the Monticello Fire Department, as well as the citizens of Monticello and my family and friends, all of whom took part in this event," stated Dishman. "It was thrilling to see how our little town pulled together and accomplished an event my family and I will never forget. I thank you all from the bottom of my heart for this amazing gift you gave me."

tuckian and honorable veteran of the Vietnam war, Don Parrish. More than four decades ago, Mr. Parrish and his hometown of Bardstown, KY, suffered great loss: In the summer of 1969, four Bardstown soldiers Mr. Parrish knew well were killed in service to our country. This loss was one of the worst suffered by any town in the war. As the years pass, Mr. Parrish finds himself more and more emotional regarding his time in uniform.

In October of 1968, Mr. Parrish was deployed to Vietnam with the C Battery of the Kentucky Army National Guard. Mr. Parrish and his fellow soldiers were reportedly the best firing battery in all of Southeast Asia. The battery consisted of childhood friends, brothers, and cousins. As boys who had grown up together to become men, they operated flawlessly as a unit.

The battery was "infused" with soldiers from New Hampshire, a precaution taken in an effort to prevent too many men from the same hometown from remaining a part of one unit in case of fatal attacks. Regrettably, that did not prevent an attack by the Viet Cong on Firebase Tomahawk, resulting in the tragic loss of four of Mr. Parrish's Bardstown comrades and fellow servicemen.

Mr. Parrish, a native of Bardstown, where he still lives today, worked for many years operating his family's business manufacturing concrete blocks. Eventually he and his wife Judy opened a bookstore together, which they ran for almost 20 years. Mr. Parrish is now a volunteer member of KET's Friends Board, which promotes KET in counties all over Kentucky.

I am tremendously proud to represent such a remarkable man and veteran here in the Senate, and I extend my thanks for Don Parrish's service. I am sure my colleagues join me in expressing gratitude for his service as well. He represents the finest of Kentucky.

A Kentucky publication, KET Visions, recently published an interview with Mr. Parrish about his experience in Vietnam. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From KET Visions, Nov. 2016]

HOMETOWN HERO PARRISH SERVED, SUFFERED LOSS IN VIETNAM WAR

Don Parrish has always been able to talk about his Vietnam experiences. Not that it isn't difficult. His losses—and they were great—affect him more and more as the years pass. Emotions rise more readily to the surface.

"As time moves on, my emotions get worse," said Parrish, who deployed to Vietnam in October 1968 with "C" Battery of the Kentucky Army National Guard, an artillery unit of men from Bardstown and the surrounding area.

"We went to Washington last fall to help our daughter and her husband move into a new apartment. While we were there, we went to the wall," he said, his voice breaking

TRIBUTE TO DON PARRISH

Mr. McCONNELL. Mr. President, I wish to recognize a distinguished Ken-

as he remembered visiting the Vietnam Veterans Memorial.

"It was tough. I've been there many times, and the crazy thing about it is that it gets tougher every time."

Parrish, a member of KET's Friends Board, a volunteer organization which promotes KET in counties statewide, was born and raised in Bardstown, where he still lives. He operated his family business manufacturing concrete blocks for many years, and later opened a bookstore he and his wife, Judy, operated for nearly two decades.

Parrish's National Guard battery was "infused" with soldiers from New Hampshire. Infusion was a military policy designed to prevent too many men from the same hometown from dying in a single incident from the same unit.

In Bardstown's case, however, the policy wasn't enough to thwart fate.

During their training and tour, the soldiers from Nelson County worked seamlessly as perhaps only men who had once been boys together can. In fact, the unit not only contained boyhood friends, but seven sets of brothers and many cousins as well.

"We were declared to be the top firing battery in all of Southeast Asia because we were so effective and efficient," he said with pride. "Why? Because we went to school together and we knew each other. So when it came time to do our job, we did it well."

An attack by the Viet Cong on a rainy night at the difficult-to-defend Firebase Tomahawk, however, was too much for even the best of the best. In that summer of 1969, four Bardstown boys were killed, plus another from "A" Battery of nearby Carrollton.

The story of that loss, one of the worst suffered from any town during the war, has brought news outlets, television documentaries, and authors to Parrish's door, and he has been interviewed by CNN, CBS Sunday Morning, and more about the fatal attack. He also shared his experience with KET in Kentucky Veterans of the Vietnam War: In Their Own Words.

"There are a lot of guys who don't talk about it—except to me," said Parrish, who returned to Vietnam and Firebase Tomahawk in 1995, accompanied by other vets and WHAS-TV, which produced a program on the trip.

"War is really difficult to win when you are on the enemy's turf. That war could have been won had restraints been removed," he said.

"In fact, it is said by many, and I agree with them, that the war was won—because its purpose was to stop the spread of Communism among the Far Eastern nations. And to that end, we won the war."

When Parrish talks about Vietnam, he also remembers the good times, the camaraderie, and fond memories, like the two guys from Bloomfield, Ky., who raced one another with 95-pound Howitzer rounds in each hand.

He has photographs, now fading, of the people he met—like the Catholic priest who still served at the same church when Parrish returned in 1995. The stray dogs they adopted. The bunkers where they slept at night. These memories became a part of who he is.

"I'm proud of my service," Parrish reflected. "I think we did well, and I'm sorry to lose friends, but that's a part of war—a terrible part of war."

TRIBUTE TO MARTIN HATFIELD

Mr. MCCONNELL. Mr. President, I wish to congratulate a distinguished Kentuckian and accomplished attorney, Martin Hatfield. Mr. Hatfield recently received the honor of being se-

lected as Pulaski County's "Attorney of the Year."

Mr. Hatfield, a native of Nancy, KY, graduated from Nancy High School in 1976. The importance of a good education was instilled in him from a young age by his parents who themselves were educators. There was no question Mr. Hatfield would continue his education after graduating high school, but he was not yet ready to leave home. When the Somerset Community College presented him with a scholarship to play basketball, Mr. Hatfield accepted, allowing him not only to stay close to home, but also to fulfill his dream of playing college basketball.

Upon graduating from SCC, he decided to move on to Eastern Kentucky University. Mr. Hatfield, interested in pursuing a career in Federal law enforcement, began working as a dispatcher and deputy sheriff with the Pulaski County Sheriff's office. Watching the trials sparked his love for the legal side of the justice system and inspired him to apply to law school.

Mr. Hatfield was accepted to the University of Louisville's Brandeis School of Law, from which he graduated in 1981 and returned to Pulaski County. He served as an assistant Commonwealth's attorney for Pulaski and Rockcastle Counties and then went on to serve as assistant U.S. attorney in the Eastern District of Kentucky for 16 years before running for the position of Pulaski County attorney.

In an effort to give back to the community that had given so much to his family throughout his life, Mr. Hatfield ran for county attorney and has held the position since his election in 2010. He now also serves on the boards of many organizations, such as the Somerset-Pulaski County Chamber of Commerce, the Fellowship of Christian Athletes, and the Governor's Kentucky Criminal Justice Council. Recently, he was appointed by Governor Matt Bevin as one of three county attorneys from across Kentucky to serve on the Attorney General's Prosecutors Advisory Council.

This year, Martin Hatfield was chosen as Pulaski County's "Attorney of the Year," and he attributes his success to the support of his family, the education and confidence boost provided to him by SCC, and the dedication of his staff. I want to congratulate Mr. Hatfield for his years of service as an attorney in Pulaski County. I am sure his wife and children are very proud of him, and Kentucky is glad to have benefitted from his work and service.

An area publication, the Commonwealth Journal, recently published an article announcing Mr. Hatfield as county "Attorney of the Year." I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Commonwealth Journal, Sept. 6, 2016]

SOMERSET COMMUNITY COLLEGE ALUMNI
SPOTLIGHT: PULASKI COUNTY ATTORNEY
MARTIN HATFIELD

Although he now serves his home community in a high-profile role, Pulaski County Attorney Martin Hatfield wasn't always a fan of the limelight. In fact, the Nancy native and basketball stand-out credits his time at Somerset Community College (SCC) with helping him become more confident in himself as a student and leader.

Hatfield graduated from Nancy High School in 1976. His parents, Avery and Lois Hatfield, always encouraged education in their home.

"My parents were both educators," Hatfield said. "My sisters and I saw the value of having a good education firsthand. High school was seen as a milestone in the educational process, not the end."

Given that Hatfield was expected to continue his education after high school, and had the opportunity to play college basketball, his decision to attend Somerset Community College was an easy one, he said.

"At 17, I wasn't ready to leave home," Hatfield said. "SCC was part of the University of Kentucky system and had a basketball team. I was offered a scholarship to play there and took the opportunity."

Most of Hatfield's memories and stories about his college days at SCC revolved around his time on the court.

"Playing at SCC gave me the opportunity to fulfill a dream of playing basketball in college," said Hatfield, who was part of the last organized SCC basketball team. "The community really pitched in to support the program by feeding us, giving us a place to practice and play, and by attending the games."

After graduating from SCC, Hatfield chose to transfer to Eastern Kentucky University. He wanted to go into federal law enforcement, so he paid his dues by working as a dispatcher and deputy sheriff with the Pulaski County Sheriff's Office and watching trials. There, he developed a love for the legal side of the justice system and was later accepted to the University of Louisville School of Law, now known as the Brandeis School of Law.

Hatfield graduated from law school in 1981 and came back to his home county to give back.

"I chose to come back home," Hatfield said. "I knew I wanted to marry and have a family someday and that I wanted to raise my children here in Pulaski County. My wife (Debbie, a kindergarten teacher at Pulaski Elementary) and I have done just that. Pulaski County has been very good to my family throughout the years, which is one reason I ran for County Attorney . . . to give back to a community that has given so much to me."

In addition to his service as County Attorney, a role he has held since being elected in 2010, Hatfield also serves on the boards of the Somerset-Pulaski County Chamber of Commerce, Fellowship of Christian Athletes, Governor's Kentucky Criminal Justice Council, Kentucky County Attorneys Association, Somerset Community College Foundation, and is the Kentucky County Attorney's representative to the Kentucky Supreme Court Criminal Rules Committee. He was also recently appointed by Governor Matt Bevin as one of three county attorneys from across Kentucky to serve on the Attorney General's Prosecutors Advisory Council. He is a member of Sievers Lodge #491 and First Baptist Church. Most recently, Hatfield was recognized as Outstanding County Attorney at the Kentucky Prosecutors Conference.

Before becoming the Pulaski County Attorney, Hatfield served as an Assistant U.S. Attorney in the Eastern District of Kentucky for 16 years. Prior to that, he served as an Assistant Commonwealth's Attorney for Pulaski and Rockcastle counties for almost five years.

His path, he said, has been greatly influenced by his family and education.

"SCC provided someone like me, who was a little shy and backward, with the opportunity to not only learn, but to be comfortable in a new environment," Hatfield said.

Hatfield's sisters both attended SCC as well, he said, and having the opportunity to know everyone from the college president to his professors to his teammates, made a difference.

"I grew so much during my time at SCC," Hatfield said. "My self-esteem was built through small classes and professors who took a personal interest in me. When I left SCC, I knew I could excel in a college environment."

Today, Hatfield stays connected to the college through his service on the SCC Foundation board.

"This is a small community," he said. "We all live here and are invested in each other. I feel certain the education I received at SCC played a big role in my success in life and supporting our local educational opportunities only strengthens our city and county for the next generation."

Spending his career in public service, Hatfield said, has given him the opportunity to help set people up to achieve and succeed, not fail.

"It all starts with good raising and good education, and I was blessed to have both," Hatfield said. "As County Attorney, one of the things I try to do is to help people understand what tools they need to change their lives and become contributing members of their community. I firmly believe education is one of the major tools necessary to accomplish that."

RECOGNIZING MANCHESTER MEMORIAL HOSPITAL

Mr. MCCONNELL. Mr. President, I wish to celebrate the 45th anniversary of Manchester Memorial Hospital located in Manchester, KY. Originally the Oneida Mountain Hospital founded in the mid to late 1920s, Manchester Memorial Hospital is now a 63-bed, acute care, nonprofit Christian community hospital.

James Anderson Burns and Dr. C. Adeline McConville, an optometrist from New York City, founded the original hospital in the early 1900s. In the late 1930s, when McConville's failing health forced her to retire, a board of trustees was selected, and the hospital deeded to the State of Kentucky so it could receive State funding. In 1952, the State returned the hospital back to the remaining original trustees.

The doors reopened in 1955 and by the mid-1960s, the hospital had an average occupancy of 139 percent. The logical next step was to build a new hospital. After many years of hard work fundraising and negotiating, construction was completed in 1971 on a tract of land in the Lytleton area.

I would like to extend my thanks to the leadership and staff at Manchester Memorial for their hard work and dedi-

cation to helping the people of Kentucky, and I congratulate them on 45 years in their new hospital. Though it started small, today Manchester Memorial Hospital has more than 500 employees and averages 60,000 patient visits each year. It is the parent organization for five home healthcare offices serving 14-plus counties in Kentucky, Tennessee, and West Virginia and has been twice named a "100 Top Hospital in America."

An area publication, the Manchester Enterprise, recently published a piece announcing the 45th anniversary of Manchester Memorial Hospital. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Manchester Enterprise, Sept. 8, 2016]

MEMORIAL HOSPITAL OPENS THEIR DOORS

In September 1971 patients were transferred from Oneida Hospital to the new Memorial Hospital

Manchester Memorial Hospital is celebrating its 45th anniversary this year. The hospital started from humble beginnings as Oneida Mountain Hospital, which began in the mid-to-late 20s by founder James Anderson Burns, founder of Oneida Baptist Institute, and Dr. C. Adeline McConville, an optometrist from New York City.

It was Anderson's dream to bring a hospital to the area, and Dr. McConville was captivated by his pursuit of it. She pledged to return to the mountains with him and work to open a hospital.

Dr. McConville operated the hospital until the late 1930s, when failing health forced her to retire.

A Board of Trustees was selected and the hospital deeded to the state of Kentucky so it could receive state funding. It operated under their leadership until 1952, when the state returned the hospital back to the remaining original trustees.

The late Mr. Thomas Britton sought diligently for an organization to come operate the hospital. Through the advice of a friend, he contacted the Seventh Day Adventist Church and they accepted the challenge.

Due to the building being vacant, their first task was to make it usable again. Through various donations they re-opened the doors after a three-year hiatus on August 22, 1955.

Over the years, the hospital continued to grow and by the mid-60s had an average occupancy of 139 percent. There were times when the 22-bed hospital had 49 patients. The clinic was equally as crowded. The choice was obvious—build a new hospital.

Fund raising began with the plan to build another hospital in the Oneida area. Plans were drawn and submitted, but the Department of Health would not approve the site.

Hospital Administrator Herb Davis, with Dr. W.E. Becknell, negotiated through Mr. Saul Goins to build the hospital on a tract of land in the Lytleton area that Mr. Goins farmed on. But there was a problem; there was no bridge to the land.

Mr. Isom Hensley started a letter-writing campaign to the Department of Highways to request a bridge be built. The State approved the bridge, and now the attention turned to raising money for construction.

Mrs. Marie Langdon and Mr. Bill Baker started soliciting donations for the construction. The Clay County Jaycees each pledged \$200 apiece towards the construction.

The dream of a new hospital became a reality in late 1969 as approval was given and construction began in 1970. The hospital was completed in mid-1971 and the transfer of patients from Oneida to Manchester was made in September of that year.

Here's a look at the story from September 9, 1971 where the hospital was moved from Oneida to Manchester:

Patients and equipment vacated the century-old Oneida Hospital in what was described as one of the quickest moves in the annals of hospital history.

Herb Davis, administrator of Memorial Hospital in Manchester, said the 23 patients at Oneida were moved in "record time" and without a "single incident." All were brought to the new Memorial Hospital in Manchester.

Only three of the patients were able to sit up for the ride from Oneida to Manchester.

The move was accomplished through the help of both local funeral homes, who provided ambulances and personnel to transport the patients 17 miles in distance.

At the same time the patients were moving, much of the medical care equipment needed by patients was moved.

In one case, a patient was taken off the operating table following surgery and the table was removed while he was in recovery to be transported.

Statistics on the move as released by hospital officials list Mrs. Webb, 93, of Burning Springs as the last patient to leave Oneida Hospital.

Mrs. Ester McIntosh was the last person to receive surgery in the old hospital, and Mr. and Mrs. Billy Jones were parents of the last baby born at the hospital.

The first baby born at Memorial Hospital in Manchester was born to Cassie and Charles Stewart of Sibert, Ky.

The move was accomplished through a 40-hour continuous effort by many of the hospital's staff, who got things ready for the move, then set up again when the move was complete.

By noon, Tuesday, eight new babies had been born at the hospital and 29 patients were on the register.

ARMS SALES NOTIFICATION

Mr. CORKER. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY
COOPERATION AGENCY,
Arlington, VA, October 6, 2016.

Hon. BOB CORKER,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16-42, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Iraq for defense articles and services estimated to cost \$65.3 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

JAMES WORM
(For J.W. Rixey, Vice Admiral, USN
Director).

Enclosures.

TRANSMITTAL NO. 16-42

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: The Republic of Iraq.

(ii) Total Estimated Value:

Major Defense Equipment * \$0 million.

Other \$65.3 million.

Total \$65.3 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Non-MDE:

Two (2) Cessna AC-208 aircraft with dual rail Hellfire launcher capability on each wing.

Two (2) AN/ALE-47 Electronic Countermeasure Dispensers.

Two (2) AAR-60 Missile Launch Warning Systems.

Four (4) AN/AAQ-35 (Wescam MX-15D) Electro-Optical Infrared Imaging Systems.

Two (2) LAU-131-A Launchers.

Additionally, non-MDE includes contractor aircraft modifications, spare parts, publication updates, aircraft ferry, and miscellaneous parts. The total estimated program cost is \$65.3 million.

(iv) Military Department: Air Force.

(v) Prior Related Cases, if any: IQ-D-QAH for \$20M signed on 13 Feb 2009 for C/AC-208 CLS, Transmittal 11-23. IQ-D-QAF for \$5M signed 26 Oct 2008 for C/AC-208 CLS, Transmittal 11-23.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex attached.

(viii) Date Report Delivered to Congress: None.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Republic of Iraq—AC-208 Aircraft

The Government of Iraq requests to purchase two (2) Cessna AC-208 aircraft that include: dual rail LAU-131 Hellfire launcher capability on each wing, AN/ALE-47 electronic countermeasure dispenser, AN/AAR-60 Missile Launch Warning System, AN/AAQ-35 Electro-Optical Infrared Imaging System, contractor aircraft modifications, spare parts, publication updates, aircraft ferry, and miscellaneous parts. The estimated total case value is \$65.3 million.

This proposed sale contributes to the foreign policy and national security of the United States by helping to improve the security of a strategic partner. This proposed sale directly supports Iraq and serves the interests of the people of Iraq and the United States.

Iraq originally purchased three (3) AC-208 and three (3) C-208 aircraft in 2008. The Cessna aircraft are used to support Iraqi military operations against al-Qaeda affiliate and Islamic State of Iraq and the Levant (ISIL) forces. The purchase of two (2) additional aircraft enables the Iraqi Air Force to continue its fight against ISIL. Iraq will have no difficulty absorbing these aircraft into its armed forces.

The proposed sale of this equipment and support does not alter the basic military balance in the region.

The principal contractor is Orbital ATK, Falls Church, VA. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. or contractor representatives to Iraq.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale. All defense articles and services are approved for release by our foreign disclosure office.

TRANSMITTAL NO. 16-42

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. Cessna AC-208: The Armed Caravan is a specifically modified Cessna C-208 capable of operating in austere environments while providing real-time intelligence, surveillance, and reconnaissance (ISR) and low collateral damage kinetic strike capabilities. It is equipped with an integrated electro-optical and infrared (EO/IR) laser sensor suite which gives it a day/night ISR capability with a laser illuminator, range finder, and designator to allow employment of the AGM-114M missile through a 1760 mil bus interface. The aircraft has two external hard points for weapons and fuel carriage. The Iraq variant will be equipped for use with AGM-114 missiles already in country. Critical components (cockpit and engine) will have aircraft armor able to withstand small arms fire. Hardware and software are UNCLASSIFIED. Technical data and documentation to be provided are UNCLASSIFIED.

2. The proposed configuration includes the AN/ALE-47 Countermeasure Dispenser Set (CMDS), the AN/AAR-60 Missile Approach Warning System, the AN/AAQ-35 MX (Wescam MX-15D) Electro-Optical Infrared Imaging System, and dual rail LAU-131 Hellfire launcher capability on each wing.

3. The AN/ALE-47 CMDS provides an integrated threat-adaptive, computer controlled capability for dispensing chaff, flares, and active radio frequency expendables. The AN/ALE-47 system enhances aircraft survivability in sophisticated threat environments.

4. The threats countered by the CMDS include radar-directed anti-aircraft artillery (AAA), radar command-guided missiles, radar homing guided missiles, and infrared guided missiles. The U.S. is not providing any threat data. The system is internally mounted and may be operated as a stand-alone system or integrated with other on-board electronic warfare and avionics systems. Expendable routines tailored to the immediate aircraft and threat environment may be dispensed using one of four operational modes. Hardware is UNCLASSIFIED. Software is SECRET. Technical data and documentation provided are UNCLASSIFIED.

5. The AN/AAR-60 Missile Approach Warning System is a passive, true imaging sensor device that is optimized to detect the radiation signature of a threat missile's exhaust plume within the ultra violet solar blind spectral band. Functionally, the architecture

detects incoming missile threats and indicates their direction of arrival with the 'maximum' of warning time. Hardware and software are UNCLASSIFIED. Technical data and documentation provided are UNCLASSIFIED.

6. The AN/AAQ-35 MX (Wescam MX-15D) is a gyro-stabilized, multi-spectral, multi field of view electro-optical infrared imaging system. The system provides surveillance laser illumination and laser designation through use of an externally mounted turret sensor and internally mounted master control. Sensor video imagery is displayed in the aircraft real time and may be recorded for subsequent ground analysis. Hardware is UNCLASSIFIED. Technical data and documentation provided are UNCLASSIFIED.

7. The LAU-131 launcher is tube shaped, 59.8 inches in length, and 10.125 inches in diameter. It weighs 65 pounds and is capable of carrying seven rockets (2.75 inch or 70mm). Hardware is UNCLASSIFIED. Technical data and documentation provided are UNCLASSIFIED.

8. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

9. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification. Moreover, the benefits to be derived from this sale, as outlined in the Policy Justification, outweigh the potential damage that could result if the sensitive technology were revealed to unauthorized persons.

10. All defense articles and services listed in this transmittal are authorized for release and export to the Government of Iraq.

DEFENSE SECURITY,
COOPERATION AGENCY,
Arlington, VA.

Hon. BOB CORKER,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16-49, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to the Government of Egypt for defense articles and services estimated to cost \$81.4 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

JAMES WORM
(For J.W. Rixey, Vice Admiral, USN,
Director).

Enclosures.

TRANSMITTAL NO. 16-49

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: The Government of Egypt.

(ii) Total Estimated Value:

Major Defense Equipment * \$56.4 million.

Other \$25.0 million.

Total \$81.4 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):

Sixty-seven (67) AN/AAR-57 Common Missile Warning Systems (CMWS).

Non-MDE: This request also includes the following Non-MDE: OCONUS Installation/Integration, Installation Mounting Kits, Countermeasure Dispenser Test Set AN/

ALM-294, Technical Assistance, U.S. Government Training and OCONUS Contractor Training, publications and technical documents, quality assurance and other related elements of logistics and program support.

(iv) Military Department: Army (VGJ).

(v) Prior Related Cases, if any: EG-B-VBT, A04 (02 JUL 15, TCV: \$17.8M).

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex attached.

(viii) Date Report Delivered to Congress: October 6, 2016.

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Government of Egypt—Description of Sale: Common Missile Warning System (CMWS) for AH-64E Apache, UH-60 Blackhawks and CH-47 Chinook Helicopters

The Government of Egypt has requested a possible sale of:

Major Defense Equipment (MDE):

Sixty-seven (67) AN/AAR-57 Common Missile Warning Systems (CMWS).

This request also includes the following Non-MDE: OCONUS Installation/Integration, Installation Mounting Kits, Countermeasure Dispenser Test Set AN/ALM-294, Technical Assistance, U.S. Government Training and OCONUS Contractor Training, publications and technical documents, quality assurance and other related elements of logistics and program support. The estimated cost is \$81.4 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a strategic partner that has been and continues to be an important force for political stability and economic progress in the Middle East.

The proposed sale of the CMWS will equip the Egyptian Air Force's fleet of multi-mission helicopters with a detection system for infrared missile threats. Egypt will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractors will be BAE Systems and DynCorp. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require the assignment of two (2) U.S. Government and two (2) contractor representatives to Egypt to support delivery of such equipment, installation and integration, maintenance and to provide technical support and equipment familiarization. Additionally, this program will require multiple trips involving U.S. Government and contractor personnel to participate in technical reviews, training and installation.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 16-49

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. AN/AAR-57—Common Missile Warning System (CMWS)—The Common Missile Warning System (CMWS) provides superior detection of infrared missile threats for rotary-wing, transport, and tactical aircraft. It is the detection component of a suite of countermeasures to increase survivability of current generation combat, airlift, and special operations aircraft against the threat

posed by infrared guided missiles. It also provides automatic, passive missile detection, threat declaration, crew warning, software reprogramming, false alarm suppression and cues to other on-board systems, such as dispensers, which may be utilized for flare decoys. Each platform includes: Electro-optical Missile Sensors, and Electronic Control Unit (ECU), Sequencer, and the Improved Countermeasures Dispenser (ICMD). The ECU hardware is classified CONFIDENTIAL; releasable technical manuals for operation and maintenance are classified SECRET.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software equipment, the information could be used to develop countermeasures or equivalent systems which may reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. A determination has been made that Egypt can provide substantially the same degree of protection for this technology as the U.S. Government. This proposed sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

4. All defense articles and services listed in this transmittal have been authorized for release and export to Egypt.

DEFENSE SECURITY

COOPERATION AGENCY,

Arlington, VA, October 13, 2016.

Hon. BOB CORKER,

Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16-38, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Kuwait for defense articles and services estimated to cost \$194 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

JAMES WORM

(For J.W. Rixey, Vice Admiral, USN, Director).

Enclosures.

TRANSMITTAL NO. 16-38

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Kuwait.

(ii) Total Estimated Value:

Major Defense Equipment * \$62 million.

Other \$132 million.

Total \$194 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):

Six (6) AN/MPQ-64 Sentinel F1 Radars.

Non-Major Defense Equipment (MDE): The Government of Kuwait requested a limited competition between three (3) U.S. vendors to procure a total of six (6) Short Range, Gap Filler Radars (e.g., AN/MPQ-64 Sentinel F1, AN/TPS-77, or AN/TPS-703) and one (1) Long Range Radar (e.g., AN/TPS-77 or AN/TPS-78). Only one of the radars under consideration, the AN/MPQ-64 is Major Defense Equipment (MDE). The remaining radars identified by Kuwait for consideration are non-MDE. Additionally, Kuwait is requesting one (1) Long Range Radar with Primary Surveillance Radar (PSR) and Secondary Surveillance Radar (SSR) capability on the Long Range Radar, upgrades to existing AN/FPS 117 (V) 3 Long Range Radars, upgrades to airfield ra-

dome and communications systems, upgrade secure Identification Friend or Foe (IFF) systems, site surveys, installation and checkout, site acceptance testing, interim contractor support, construction, contractor logistics support (CLS), spares, support equipment and training. Cost for additional non-MDE is \$132 million. The total overall estimated cost is \$194 million.

(iv) Military Department: Air Force (X7-D-DAB).

(v) Prior Related Cases, if any: None.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex attached.

(viii) Date Report Delivered to Congress: October 13, 2016.

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

The Government of Kuwait—Radar Field System

The Government of Kuwait has requested a possible total sale of six (6) Short Range Radars, otherwise known as Gap Filler Radars, one (1) Long Range Radar with Primary Surveillance Radar (PSR) and Secondary Surveillance Radar (SSR) arrays, upgrades to existing AN/FPS 117 (V) 3 Long Range Radar, upgrades to airfield radome and communications systems, upgrade to secure Identification Friend or Foe (IFF) systems, site surveys, installation and checkout, site acceptance testing, interim contractor support, construction, contractor logistics support, spares, support equipment, and training. The total estimated value of this sale is \$194 million.

The Government of Kuwait requested a limited competition between three (3) U.S. vendors to procure a total of six (6) Short Range, Gap Filler Radars (e.g., AN/MPQ-64 Sentinel F1, AN/TPS-77, or AN/TPS-703) and one (1) Long Range Radar (e.g., AN/TPS-77 or AN/TPS-78). Only one of the radars under consideration, the AN/MPQ-64 is Major Defense Equipment (MDE). The remaining radars identified by Kuwait for consideration are non-MDE.

This proposed sale supports U.S. Government national security goals by aiding a Major non-NATO Ally in the reduction of transnational threats, weapons proliferation, and the movement and support of international terrorists.

The Government of Kuwait desires the radar field system in order to improve early warning, enhance internal and external security, and protect national sovereignty. The system provides situational awareness for Kuwaiti security forces to detect and interdict fixed and rotary wing aircraft. This procurement provides coverage for Kuwait's northern and eastern borders.

The prime contractor will be determined by competition between Lockheed Martin, Bethesda, Maryland, Northrop Grumman, Falls Church, Virginia, and the Raytheon Company, Waltham, Massachusetts. There are no known offset agreements proposed in connection with this potential sale.

This procurement includes a small number of U.S. contractor system and maintenance advisors under a long-term operations and maintenance support package. The exact number of personnel and period of performance is yet to be finalized. This purchase will not substantially alter the U.S. Government presence in Kuwait.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 16-38

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The AN/MPQ-64 Sentinel Radar System is a fielded air defense radar system in the Army inventory. Sentinel is a derivative of the AN/TPQ-36 Firefinder System used for artillery detection and the AN/TPQ-36A Norwegian adapted Hawk system. Sentinel is a mobile, phased-array radar that provides highly accurate 3 dimensional radar track data to using systems via the Forward Area Air Defense (FAAD) Command, Control, and Intelligence (C2I) node. Sentinel acquires, tracks, and reports cruise missiles, unmanned aerial vehicles, fixed and rotary wing aircraft in clutter and electronic counter measures environments. The Sentinel Export configuration (AN/MPQ-64F1) is a derivative of the U.S. Army's Improved Sentinel Radar.

2. The Sentinel consists of a radar-based sensor system with the M1152 HighMobility Multipurpose Wheeled Vehicle (HMMWV) as the prime mover and the MEP-1041 Advanced Mobile Medium Power Source (AMMPS) Tactical Quiet Generator as the power source. The sensor is an advanced battlefield radar capable of X-band air defense phased-array with an instrumented range of 75 kilometers with a rotating antenna providing 360 degree azimuth coverage for acquisition and tracking.

3. Sentinel has only one item currently designated Critical Program Information (CPI) and that is the Sentinel software modules containing routines for electronic counter-counter measures (ECCM) that have been determined to be a CPI.

4. These items are classified IAW EO 12958 section 1.5, Classification categories as category 1.5(e) because they contain scientific, technological, or economic matters relative to the national security. Reports, test data, and all Sentinel related media that discloses operational parameters, performance, characteristics, ECCM techniques, vulnerabilities, limitations or performance weaknesses shall be classified at the highest level based on the information being conveyed as referenced in the Sentinel Security Classification Guide. Distribution of technical performance and system capabilities reports and data shall only be released up to the CONFIDENTIAL level. It is not possible to obtain the Sentinel wartime reserved frequencies by reverse engineering, testing, or analyzing the unclassified Sentinel end item.

5. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification. Moreover, the benefits to be derived from this sale, as outlined in the Policy Justification, outweigh the potential damage that could result if the sensitive technology were revealed to unauthorized persons.

6. All defense articles and services listed in this transmittal are authorized for release and export to the Government of Kuwait.

DEFENSE SECURITY

COOPERATION AGENCY,

Arlington, VA, October 21, 2016.

Hon. BOB CORKER,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16-45, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to the United Arab Emirates for defense articles and services estimated to cost \$75 million. After this letter is delivered to

your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J.W. RIXEY,

Vice Admiral, USN, Director.

Enclosures.

TRANSMITTAL NO. 16-45

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) (U) Prospective Purchaser: United Arab Emirates (UAE).

(ii) (U) Total Estimated Value:

Major Defense Equipment* \$ 0 million.

Other \$75 million.

Total \$75 million.

(iii) (U) DESCRIPTION AND QUANTITY OR QUANTITIES OF ARTICLES OR SERVICES UNDER CONSIDERATION FOR PURCHASE:

Non-MDE:

The United Arab Emirates Air Force requests participation in military exercises, aerial refueling, airlift and ferry support, training aids/devices/munitions, technical and logistics support services, and other related elements of logistical and program support. There is no MDE associated with this potential sale. The total estimated cost is \$75.0 million.

(iv) (U) Military Department: Air Force (X7-D-NAF Amendment 4).

(v) (U) Prior Related Cases, if any: AE-D-NAF—\$49M—20 Mar 12.

(vi) (U) Sales Commission, Fee, etc., Paid. Offered, or Agreed to be Paid: None.

(vii) (U) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: None.

(viii) (U) Date Report Delivered to Congress: October 21, 2016.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

(U) United Arab Emirates (UAE)—Exercise Participation Support

(U) The Government of the UAE requested a possible sale to include participation in military exercises, aerial refueling, airlift and ferry support, training aids/devices/munitions, technical and logistics support services, and other related elements of logistical and program support. The estimated cost is \$75 million.

(U) This proposed sale contributes to the foreign policy and national security of the United States by helping to improve the security of a major regional ally which has been, and continues to be, an important force for political stability and economic progress in the Middle East.

(U) This proposed sale contributes to the foreign policy and national security of the United States by helping to improve the ability of the UAE to employ its fighter aircraft in a multi-country coalition environment, such as Red Flag and Green Flag exercises. Participating in major exercises has enhanced the UAE's continued and consistent role in support of Coalition Operations. The UAE is a steadfast coalition partner in the fight against radical Islamic forces such as ISIL and Al Qaeda (AQAP) in the Arabian Peninsula.

(U) The proposed sale of this equipment and support does not alter the basic military balance in the region.

(U) Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to the UAE.

(U) There will be no adverse impact on U.S. defense readiness as a result of this proposed sale. All defense articles and services are approved for release by our foreign disclosure office.

HONORING SERGEANT ANTHONY BEMINIO

Mr. GRASSLEY. Mr. President, early this month, in my home State of Iowa, a tragedy took place that shocked our entire State. On Wednesday, November 2, 2016, the lives of Des Moines Police Sergeant Anthony Beminio and Urbandale Police Officer Justin Martin were taken at the hands of an assailant. It is almost unimaginable for somebody to attack the people who dedicate their lives to protecting our communities. Unfortunately, it is a threat all too familiar for everybody who has a family member in law enforcement. Just after 1 a.m. on November 2, police responded to a report of shots fired and discovered that Officer Martin was shot and killed in his car while he was on duty. A short while later, Sergeant Anthony Beminio was found shot and killed in his car. He was believed to have been responding to the report of shots fired when he was killed by the lone assailant who moments earlier had allegedly killed Officer Martin. Police do not have a motive for the shootings.

Nothing excuses the unforgivable act of attacking a police officer. I praise these heroes who gave their lives carrying out their mission to protect and serve.

Sergeant Anthony "Tony" Beminio joined the Des Moines police force in 2005, after serving with the Indianola Police Department for 4 years. By all accounts, he was a talented athlete, a great detective, and he will be remembered by his friends as a professional man who was always smiling. He earned a bachelor's degree in criminal justice from Simpson College in 2001 and then a master's of science degree from the University of Cincinnati prior to becoming a police officer.

Sergeant Beminio took after his father, Frank Beminio, who served as a member of the Belmond Police Department for 17 years, 8 of which were as chief of police. As a school resource officer at Roosevelt and East high schools, Tony was cherished by students and faculty. It takes a special kind of person to be a school resource officer, and Tony was an outstanding role model who had a good relationship with the students he served.

My thoughts and prayers are with the family and friends of Sergeant Beminio in this difficult time. I want to express my deepest condolences to Sergeant Beminio's wife, Zoe; his three children, Cameron, Haley, and Maddoz; and his parents, Patricia and Frank Beminio.

These trying times serve as a reminder to show our appreciation to those who watch over our communities and run to danger. We can look to the words of wisdom from an Iowa mother who lost her son, Officer Carlos Puente-Morales, in the line of duty earlier this year. As she said, "We shouldn't wait for a tragedy to recognize our heroes." We should all live by this sentiment and show appreciation

to the brave men and women who walk in the footsteps of Sergeant Beminio and Officer Martin to protect and serve our communities across the country.

HONORING OFFICER JUSTIN MARTIN

Mr. GRASSLEY. Mr. President, early this month, in my home State of Iowa, a tragedy took place that shocked our entire State. On Wednesday, November 2, 2016, the lives of Des Moines Police Sergeant Anthony Beminio and Urbandale Police Officer Justin Martin were taken at the hands of an assailant. It is almost unimaginable for somebody to attack the people who dedicate their lives to protecting our communities. Unfortunately, it is a threat all too familiar for everybody who has a family member in law enforcement.

Just after 1 a.m. on November 2, police responded to reports of shots fired and discovered that Officer Martin was shot and killed in his car while he was on duty. A short while later, Sergeant Anthony Beminio was found shot and killed in his car. He was believed to have been responding to the report of shots fired when he was killed by the lone assailant who moments earlier had allegedly killed Officer Martin. At this time, police do not have a motive for the shootings.

Nothing excuses the unforgivable act of attacking a police officer. I praise these heroes who gave their lives carrying out their mission to protect and serve.

Justin Martin obtained a bachelor's degree in criminal justice from Simpson College, with a lifelong dream of becoming a police officer. As Officer Martin's father said, "He went into law enforcement for one reason—because he wanted to help people." Justin achieved that dream when he joined the Urbandale Police Department in 2015.

I want to express my deepest sympathy to Officer Martin's parents, Randy and Jayne Martin; his brother Ryan Martin; his maternal grandmother, Ann Margaret Krommendyk; his paternal grandparents, Gene and Carolyn Martin, as well as his extended family and friends for their loss. Officer Martin was an Eagle Scout. He was active in many extracurricular activities such as football, swimming, and he also played the trombone. Officer Martin, like Sergeant Beminio, was a fine example of a community leader whom our young people should aspire to be like. By all accounts, he was a well-rounded, upstanding citizen. Officer Martin left a lasting impact on the communities he was part of, and we should follow the example that he set for us.

These trying times serve as a reminder to show our appreciation to those who watch over our communities and run to danger. We can look to the words of wisdom from an Iowa mother who lost her son, Officer Carlos

Puente-Morales, in the line of duty earlier this year. As she said, "We shouldn't wait for a tragedy to recognize our heroes." We should all live by this sentiment and show appreciation to the brave men and women who walk in the footsteps of Officer Martin and Sergeant Beminio to protect and serve our communities across the country.

RECOGNIZING FALMOUTH MIDDLE SCHOOL

Ms. COLLINS. Mr. President, I am delighted to commend the Falmouth Middle School of Falmouth, ME, on being named a 2016 National Blue Ribbon School of Excellence. This outstanding middle school is one of only 329 schools across the country to receive this prestigious recognition from the U.S. Department of Education.

Created in 1982, the Blue Ribbon Schools Program honors public and private schools that are either academically superior in their States or that demonstrate significant gains in student achievement. The schools singled out for this national recognition are models of high educational standards and accountability.

Falmouth Middle School is among a select group of schools to achieve the Blue Ribbon designation not once, but twice. Since receiving its first award in 2008, the school has continued to excel as a community of collaborative and engaged learners who value diversity, kindness, creativity, excellence, responsibility for self, and service to others.

This award recognizes the hard work and determination of Falmouth Middle School's pupils and staff. This is a top-performing school on State-required assessments, and staff at the school use assessments throughout the academic year as a tool for improving and customizing instruction. A strong commitment to professional development ensures that teachers and staff, as well as students, are lifelong learners.

Falmouth Middle School is known for its extensive extracurricular activities in academics, athletics, and the arts, which help forge a strong school community where students are connected and encouraged to pursue their interests. Just this year, three new after-school clubs were formed—in French, writing, and dance—driven by enthusiastic students and guided by involved teachers.

This Blue Ribbon award is a tribute not only to the students, but also to the administrators, teachers, staff, and parents of Falmouth Middle School. Together, they are succeeding in their mission to generate excitement and momentum for learning. They are making a difference in the lives of their students, helping them reach their full potential as independent, responsible learners and citizens. I congratulate the entire community for this well-deserved recognition.

RECOGNIZING REEDS BROOK MIDDLE SCHOOL

Ms. COLLINS. Mr. President, I am delighted to commend Reeds Brook Middle School of Hampden, ME, on being named a 2016 National Blue Ribbon School of Excellence. This outstanding middle school is one of only 329 schools across the country to receive Blue Ribbon recognition from the U.S. Department of Education.

Created in 1982, the Blue Ribbon Schools Program honors public and private schools that are either academically superior in their States or that demonstrate significant gains in student achievement. The schools singled out for this national recognition are models of high educational standards and accountability.

The Blue Ribbon designation continues Reeds Brook's tradition of quality education. In 1997, just 2 years after it opened, the school became just one of five middle schools in Maine to be accredited by the New England Association of Schools and Colleges. Today, after earning reaccréditation in 2007, Reeds Brook Middle School is one of just three Maine middle schools to achieve that distinction.

This award recognizes the hard work and determination of Reeds Brook Middle School's pupils, teachers, and staff. It is a top-performing school on State-required assessments, and educators at the school use assessments throughout the academic year as a tool for improving and customizing instruction. A strong commitment to professional development ensures that teachers and staff, as well as students, are lifelong learners.

Reeds Brook excels as a school built on a foundation of responsibility, respect, honesty, and compassion. Through a unique weekly trading card program, teachers and staff recognize students who demonstrate those values, instilling a sense of individual and school pride.

Reeds Brook Middle School is known for its extensive extracurricular activities in academics, athletics, and the arts, and students are encouraged to pursue their interests. An on-site garden and greenhouse promote volunteerism throughout the community. Students serve their community by working with the local food pantry and recycling center.

Two projects underscore the values that guide Reeds Brook Middle School. Students avidly support the Special Olympics, championing and cheering not just their team, but also athletes from other schools. Through an ongoing project, students meet with and interview local veterans, preserving the veterans' living histories and honoring their service.

This Blue Ribbon award is a tribute not only to the students, but also to the administrators, teachers, staff, and parents of Reeds Brook Middle School. Together, they are succeeding in their mission to generate excitement and momentum for learning. They are

making a difference in the lives of their students, helping them reach their full potential as independent, responsible learners and citizens. I congratulate the entire Hampden community for this well-deserved recognition.

RECOGNIZING SEA ROAD SCHOOL

Ms. COLLINS. Mr. President, I am delighted to commend the Sea Road School of Kennebunk, ME, on being named a 2016 National Blue Ribbon School of Excellence. This outstanding elementary school is one of only 329 schools across the country to receive this prestigious recognition from the U.S. Department of Education.

Created in 1982, the Blue Ribbon Schools Program honors public and private schools that are either academically superior in their States or that demonstrate significant gains in student achievement. The schools singled out for this national recognition are models of high educational standards and accountability.

This award recognizes the hard work and determination of the Sea Road School's pupils and staff. Sea Road School is a top-performing school on State-required assessments, and staff at the school use assessments throughout the academic year as a tool for improving and customizing instruction.

Students also participate in extra-curricular activities, which helps forge a strong school community where students are connected and encouraged to pursue their interests. Indeed, a successful vote on a town ordinance to ban single-use plastic bags in Kennebunk this spring started with research and advocacy by Sea Road School students.

Sea Road School is a member of Regional School Unit 21. Six years ago, Kennebunkport Consolidated School, another member, was also named a Blue Ribbon School. RSU 21 is the first administrative unit in Maine to have two schools attain this distinction.

This Blue Ribbon award is a tribute not only to the students, but also to the administrators, teachers, staff, and parents of Sea Road School. Together, they are succeeding in their mission to generate excitement and momentum for learning. They are making a difference in the lives of their students, helping them reach their full potential as independent, responsible learners and citizens. I congratulate the entire community for this well-deserved recognition.

ADDITIONAL STATEMENTS

REMEMBERING JAMES B. BARLOW

• Mr. MERKLEY. Mr. President, I wish to remember the late James "Jim" B. Barlow.

On October 19, 2016, Oregon lost a great one in Mr. Barlow. To many Oregonians, Mr. Barlow was not only an incredible teacher and community leader, but an extremely loyal friend, brother, uncle, and husband.

Throughout his life, Mr. Barlow was a fierce advocate for Oregon's schools and students. He attended Lewis and Clark College and Oregon State University before teaching at three different Oregon public institutions. His countless teaching awards on both the local and national level, including "Teacher of the Year," speak volumes about Mr. Barlow's pedagogical excellence. He furthered his dedication to students when he served as a senior leader on the Oregon High School International Relations League Model United Nations and the Oregon Council for the Social Studies and Advanced Placement Teachers of the State of Oregon.

In 1964, he took political learning and engagement to another level when he founded the Model Presidential Nominating Convention. These conventions were entirely student-led, but made possible with the encouragement and guidance of Mr. Barlow. The conventions became critical in Oregon's Presidential politics, as national leaders such as Robert Kennedy, George H.W. Bush, Jimmy Carter, Ronald Reagan, and Bill Clinton visited and gave speeches to thousands of Oregon high school students.

Mr. Barlow understood, as demonstrated by these model conventions, that civic engagement is fundamental to our "We the People" democracy. In his teaching and leadership, Mr. Barlow spread the message that it is up to all of us to create the change we wish to see in the world.

With his involvement in Oregon schools, model conventions, and his local church, Mr. Barlow became an example of how we can make a significant impact in our communities through simple acts of participation and leadership.

We need more leaders like Jim Barlow in our Nation. I thank Mr. Barlow for his decades-long devotion to his students and to our great State of Oregon. My thoughts are with his family and loved ones as they honor his memory and the truly impressive legacy he leaves behind.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 6, 2015, the Secretary of the Senate, on September 29, 2016, during the adjournment of the Senate, received a message from the House of Representatives announcing the Speaker had signed the following enrolled bills:

S. 3283. An act to designate the community-based outpatient clinic of the Department of Veterans Affairs in Pueblo, Colorado, as the "PFC James Dunn VA Clinic."

H.R. 3004. An act to amend the Gullah/Geechee Cultural Heritage Act to extend the authorization for the Gullah/Geechee Cultural Heritage Corridor Commission.

H.R. 3937. An act to designate the building utilized as a United States courthouse located at 150 Reade Circle in Greenville, North Carolina, as the "Randy D. Doub United States Courthouse".

H.R. 5147. An act to amend title 40, United States Code, to require restrooms in public buildings to be equipped with baby changing facilities.

H.R. 5578. An act to establish certain rights for sexual assault survivors, and for other purposes.

H.R. 5883. An act to amend the Packers and Stockyards Act, 1921, to clarify the duties relating to services furnished in connection with the buying or selling of livestock in commerce through online, video, or other electronic methods, and for other purposes.

Under the authority of the order of the Senate of January 6, 2015, the enrolled bills were signed on October 3, 2016, during the adjournment of the Senate, by the Acting President pro tempore (Mr. CASSIDY).

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 6, 2015, the Secretary of the Senate, on September 29, 2016, during the adjournment of the Senate, received a message from the House of Representatives announcing the Speaker had signed the following enrolled bills:

S. 246. An act to establish the Alyce Spotted Bear and Walter Soboleff Commission on Native Children, and for other purposes.

H.R. 2733. An act to require the Secretary of the Interior to take land into trust for certain Indian tribes, and for other purposes.

H.R. 5944. An act to amend title 49, United States Code, with respect to certain grant assurances, and for other purposes.

H.R. 5946. An act to amend the Internal Revenue Code of 1986 to exclude from gross income any prizes or awards won in competition in the Olympic Games or the Paralympic Games.

Under the authority of the order of the Senate of January 6, 2015, the enrolled bills were signed on October 3, 2016, during the adjournment of the Senate, by the Acting President pro tempore (Mr. CASSIDY).

MESSAGE FROM THE HOUSE

At 4:05 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 985. An act to enable concrete masonry products manufacturers to establish, finance, and carry out a coordinated program of research, education, and promotion to improve, maintain, and develop markets for concrete masonry products.

H.R. 1192. An act to amend the Public Health Service Act to foster more effective implementation and coordination of clinical care for people with a complex metabolic or autoimmune disease, a disease resulting from insulin deficiency or insulin resistance, or complications caused by such a disease, and for other purposes.

H.R. 1209. An act to amend the Public Health Service Act to distribute maternity care health professionals to health professional shortage areas identified as in need of maternity care health services.

H.R. 2566. An act to amend the Communications Act of 1934 to ensure the integrity of voice communications and to prevent unjust or unreasonable discrimination among areas of the United States in the delivery of such communications.

H.R. 2669. An act amend the Communications Act of 1934 to expand and clarify the prohibition on provision of misleading or inaccurate caller identification information, and for other purposes.

H.R. 2713. An act to amend title VIII of the Public Health Service Act to extend advanced education nursing grants to support clinical nurse specialist programs, and for other purposes.

H.R. 4365. An act to amend the Controlled Substances Act with regard to the provision of emergency medical services.

H.R. 4665. An act to require the Secretary of Commerce to conduct an assessment and analysis of the outdoor recreation economy of the United States, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1192. An act to amend the Public Health Service Act to foster more effective implementation and coordination of clinical care for people with a complex metabolic or autoimmune disease, a disease resulting from insulin deficiency or insulin resistance, or complications caused by such a disease, and for other purposes; to the Committee on Health, Education, Labor and Pensions.

H.R. 1209. An act to amend the Public Health Service Act to distribute maternity care health professionals to health professional shortage areas identified as in need of maternity care health services; to the Committee on Health, Education, Labor, and Pensions.

H.R. 2669. An act amend the Communications Act of 1934 to expand and clarify the prohibition on provision of misleading or inaccurate caller identification information, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 2713. An act to amend title VIII of the Public Health Service Act to extend advanced education nursing grants to support clinical nurse specialist programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 3464. A bill to provide incremental increases to the salary threshold for exemptions for executive, administrative, profes-

sional, outside sales, and computer employees under the Fair Labor Standards Act of 1938, and for other purposes.

H.R. 6094. An act to provide for a 6-month delay in the effective date of a rule of the Department of Labor relating to income thresholds for determining overtime pay for executive, administrative, professional, outside sales, and computer employees.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on October 3, 2016, she had presented to the President of the United States the following enrolled bills:

S. 246. An act to establish the Alyce Spotted Bear and Walter Soboleff Commission on Native Children, and for other purposes.

S. 3283. An act to designate the community-based outpatient clinic of the Department of Veterans Affairs in Pueblo, Colorado, as the "PFC James Dunn VA Clinic."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7068. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Flupyradifurone; Pesticide Tolerances" (FRL No. 9951-68) received in the Office of the President of the Senate on September 22, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7069. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fluopicolide; Pesticide Tolerances" (FRL No. 9951-60) received in the Office of the President of the Senate on September 22, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7070. A communication from the Management and Program Analyst, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Sale and Disposal of National Forest System Timber; Forest Products for Traditional and Cultural Purposes" (RIN0596-AD00) received in the Office of the President of the Senate on September 27, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7071. A communication from the Under Secretary of Defense (Acquisition, Technology, and Logistics), transmitting, pursuant to law, a report entitled "Fiscal Year 2015 Inventory of Contracted Services"; to the Committee on Armed Services.

EC-7072. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Mark O. Schissler, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-7073. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral Robin R. Braun, United States Navy Reserve, and her advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-7074. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant Gen-

eral Robert P. Otto, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-7075. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, a report relative to the Administration's 2016 compensation program adjustments; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7076. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral Robert L. Thomas, Jr., United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-7077. A communication from the Associate General Counsel for Legislation and Regulations, Office of Community Planning and Development, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Equal Access in Accordance With an Individual's Gender Identity in Community Planning and Development Programs" (RIN2506-AC40) received in the Office of the President of the Senate on September 28, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC-7078. A communication from the Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Standards for Covered Clearing Agencies" (RIN3235-AL48) received in the Office of the President of the Senate on September 29, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC-7079. A communication from the Division Chief, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Minerals Management: Adjustment of Cost Recovery Fees" (RIN1004-AE47) received in the Office of the President of the Senate on September 29, 2016; to the Committee on Energy and Natural Resources.

EC-7080. A communication from the Deputy Chief of the National Forest System, Department of Agriculture, transmitting, pursuant to law, a report relative to the final map and boundary for the Skagit Wild and Scenic River, added to the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

EC-7081. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Coordination of Federal Authorizations for Electric Transmission Facilities" (RIN1901-AB36) received in the Office of the President of the Senate on September 29, 2016; to the Committee on Energy and Natural Resources.

EC-7082. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Rio de Flag, Flagstaff, Arizona project; to the Committee on Environment and Public Works.

EC-7083. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; Florida; Infrastructure Requirements for the 2010 Sulfur Dioxide National Ambient Air Quality Standard" (FRL No. 9953-18-Region 4) received in the Office of the President of the Senate on September 22, 2016; to the Committee on Environment and Public Works.

EC-7084. A communication from the Director of the Regulatory Management Division,

Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Oklahoma; Revisions to Major New Source Review Permitting” (FRL No. 9951-54-Region 6) received in the Office of the President of the Senate on September 22, 2016; to the Committee on Environment and Public Works.

EC-7085. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Washington; General Regulations for Air Pollution Sources” (FRL No. 9953-04-Region 10) received in the Office of the President of the Senate on September 22, 2016; to the Committee on Environment and Public Works.

EC-7086. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval of Air Quality Implementation Plans; Missouri State Implementation Plan for the 2008 Lead Standard” (FRL No. 9952-79-Region 7) received in the Office of the President of the Senate on September 22, 2016; to the Committee on Environment and Public Works.

EC-7087. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Extension of Deadline for Action on the August 2016 Section 126 Petition From Delaware” (FRL No. 9952-97-OAR) received in the Office of the President of the Senate on September 22, 2016; to the Committee on Environment and Public Works.

EC-7088. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Chemical Data Reporting; 2016 Submission Period Extension” (FRL No. 9952-64) received in the Office of the President of the Senate on September 22, 2016; to the Committee on Environment and Public Works.

EC-7089. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “General Permits and Permits by Rule for the Federal Minor New Source Review Program in Indian Country for Six Source Categories” (FRL No. 9953-18-Region 4) received in the Office of the President of the Senate on September 22, 2016; to the Committee on Environment and Public Works.

EC-7090. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Review of the National Ambient Air Quality Standards for Lead” (FRL No. 9952-87-OAR) received in the Office of the President of the Senate on September 22, 2016; to the Committee on Environment and Public Works.

EC-7091. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Technical Correction to the National Ambient Air Quality Standards for Particulate Matter” (FRL No. 9953-20-OAR) received in the Office of the President of the Senate on September 22, 2016; to the Committee on Environment and Public Works.

EC-7092. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; TN; Revisions to Logs and Reports for Startups, Shutdowns and Malfunctions” (FRL No. 9953-05-Region

4) received in the Office of the President of the Senate on September 22, 2016; to the Committee on Environment and Public Works.

EC-7093. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Treatment of Data Influenced by Exceptional Events” (FRL No. 9952-89-OAR) received in the Office of the President of the Senate on September 22, 2016; to the Committee on Environment and Public Works.

EC-7094. A communication from the Chief of the Trade and Commercial Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Notice of Arrival for Imports of Pesticides and Pesticidal Devices” (RIN1515-AE12) received in the Office of the President of the Senate on September 26, 2016; to the Committee on Finance.

EC-7095. A communication from the Deputy Director, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Child Care and Development Fund (CCDF) Program” (RIN0970-AC67) received during adjournment of the Senate in the Office of the President of the Senate on September 23, 2016; to the Committee on Finance.

EC-7096. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Medicare and Medicaid Programs; Reform of Requirements for Long-Term Care Facilities” ((RIN0938-AR61) (CMS-3260-F)) received in the Office of the President of the Senate on September 29, 2016; to the Committee on Finance.

EC-7097. A communication from the Director, Tax Policy and Administration Strategic Issues Team, Government Accountability Office, transmitting, pursuant to law, a list of Government Accountability Office employees designated to have access to tax returns and return information for the purpose of carrying out audits of the Internal Revenue Service and the Alcohol and Tobacco Tax and Trade Bureau; to the Committee on Finance.

EC-7098. A communication from the Executive Secretary, U.S. Agency for International Development (USAID), transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Administrator, Bureau for Latin America and Caribbean, U.S. Agency for International Development (USAID), received during adjournment of the Senate in the Office of the President of the Senate on September 23, 2016; to the Committee on Foreign Relations.

EC-7099. A communication from the Executive Secretary, U.S. Agency for International Development (USAID), transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Administrator, Bureau for Democracy, Conflict, and Humanitarian Assistance, U.S. Agency for International Development (USAID), received during adjournment of the Senate in the Office of the President of the Senate on September 23, 2016; to the Committee on Foreign Relations.

EC-7100. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled “Amendment to the International Traffic in Arms Regulations: Tunisia, Eritrea, Somalia, the Democratic Republic of the Congo, Liberia, Cote d'Ivoire, Sri Lanka, Vietnam, and Other Changes” (RIN1400-AD95) received in the Office of the President of the Senate on Sep-

tember 26, 2016; to the Committee on Foreign Relations.

EC-7101. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) and 36(d) of the Arms Export Control Act (DDTC 16-049); to the Committee on Foreign Relations.

EC-7102. A communication from the Regulations Coordinator, Substance Abuse and Mental Health Services Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Medication Assisted Treatment for Opioid Use Disorders Reporting Requirements” (RIN0930-AA22) received in the Office of the President of the Senate on September 26, 2016; to the Committee on Health, Education, Labor, and Pensions.

EC-7103. A communication from the Director, Directorate of Whistleblower Protection Programs, Occupational Safety and Health Administration, transmitting, pursuant to law, the report of a rule entitled “Procedures for the Handling of Retaliation Complaints Under the Employee Protection Provision of the Seaman's Protection Act, as Amended” (RIN1218-AC58) received in the Office of the President of the Senate on September 28, 2016; to the Committee on Health, Education, Labor, and Pensions.

EC-7104. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled “Federal Acquisition Regulation; Federal Acquisition Circular 2005-91; Small Entity Compliance Guide” (FAC 2005-91) received in the Office of the President of the Senate on September 28, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-7105. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled “Federal Acquisition Regulation; Technical Amendments” (FAC 2005-91) received in the Office of the President of the Senate on September 28, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-7106. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled “Federal Acquisition Regulation: Limitation on Allowable Government Contractor Employee Compensation Costs” (RIN9000-AM75) received in the Office of the President of the Senate on September 28, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-7107. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled “Federal Acquisition Regulation: Contractors Performing Private Security Functions” (RIN9000-AN07) received in the Office of the President of the Senate on September 28, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-7108. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled “Federal Acquisition Regulation; New Designated Countries—Ukraine and Moldova” (RIN9000-AN25) received in the Office of the President of the Senate on September 28, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-7109. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Consolidation and Bundling" (RIN9000-AM92) received in the Office of the President of the Senate on September 28, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-7110. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Unique Identification of Entities Receiving Federal Awards" (RIN9000-AN00) received in the Office of the President of the Senate on September 28, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-7111. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Sole Source Contracts for Women-Owned Small Businesses" (RIN9000-AN13) received in the Office of the President of the Senate on September 28, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-7112. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Non-Retaliation for Disclosure of Compensation Information" (RIN9000-AN10) received in the Office of the President of the Senate on September 28, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-7113. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Updating Federal Contractor Reporting of Veterans' Employment" (RIN9000-AN14) received in the Office of the President of the Senate on September 28, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-7114. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Prohibition on Contracting with Corporations with Delinquent Taxes or a Felony Conviction" (RIN9000-AN05) received in the Office of the President of the Senate on September 28, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-7115. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-91; Introduction" (FAC 2005-91) received in the Office of the President of the Senate on September 28, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-7116. A communication from the Deputy Commissioner for Human Resources, Social Security Administration, transmitting, pursuant to law, the Administration's fiscal year 2015 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Homeland Security and Governmental Affairs.

EC-7117. A communication from the Project Manager, Citizenship and Immigra-

tion Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Enhancing Opportunities for H-1B1, CW-1, and E-3 Non-immigrants and EB-1 Immigrants" (RIN1615-AC00) received in the Office of the President of the Senate on September 21, 2016; to the Committee on the Judiciary.

EC-7118. A communication from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Miscellaneous Changes to Trademark Trial and Appeal Board Rules of Practice" (RIN0651-AC35) received in the Office of the President of the Senate on September 26, 2016; to the Committee on the Judiciary.

EC-7119. A communication from the Deputy Assistant Administrator of the Office of Diversion Control, Drug Enforcement Agency, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Schedules of Controlled Substances: Placement of Three Synthetic Phenethylamines Into Schedule I" (Docket No. DEA-423) received in the Office of the President of the Senate on September 27, 2016; to the Committee on the Judiciary.

EC-7120. A communication from the Chief Impact Analyst, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Telephone Enrollment in the VA Healthcare System" (RIN2900-AP68) received during adjournment of the Senate in the Office of the President of the Senate on September 23, 2016; to the Committee on Veterans' Affairs.

EC-7121. A communication from the Acting Director of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Federal Civil Penalties Adjustment Act Amendments (RIN2900-AP78) received during adjournment of the Senate in the Office of the President of the Senate on September 23, 2016; to the Committee on Veterans' Affairs.

EC-7122. A joint communication from the Deputy Secretary of Veterans Affairs and the Acting Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report entitled "Veterans Affairs and Department of Defense Joint Executive Committee Fiscal Year 2015 Annual Report"; to the Committee on Veterans' Affairs.

EC-7123. A communication from the Deputy Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Part 90 of the Commission's Rules to Enable Railroad Police Officers to Access Public Safety Interoperability and Mutual Aid Channels" (FCC 16-113) (PSHSB Docket No. 15-199) received in the Office of the President of the Senate on September 26, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7124. A communication from the Deputy Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Proposed Amendments to the Service Rules Governing Public Safety Narrowband Operation in the 769-775/799-805 MHz Bands; National Public Safety Telecommunications Council Petition for Rulemaking on Aircraft Voice Operations at 700 MHz; National Public Safety Telecommunications Council Petition for Rulemaking to Revise 700 MHz Narrowband Channel Plan; Region 24 700 MHz Regional Planning committee Petition for Rulemaking; and State of Louisiana Petition for Rulemaking" (FCC 16-111) (PSHSB Docket No. 13-87; RM-11433; WT Docket No. 96-86; PS

Docket No. 06-229; and RM-11577)) received in the Office of the President of the Senate on September 26 2016; to the Committee on Commerce, Science, and Transportation.

EC-7125. A communication from the Executive Director, Consumer Product Safety Commission, transmitting, pursuant to law, the Commission's 2015 Annual Report to the President and Congress; to the Committee on Commerce, Science, and Transportation.

EC-7126. A communication from the President and Chief Executive Officer, National Railroad Passenger Corporation, Amtrak, transmitting, pursuant to law, Amtrak's fiscal year 2017 General and Legislative Annual Report; to the Committee on Commerce, Science, and Transportation.

EC-7127. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Expansion of the Willcox Viticultural Area" (RIN1513-AC23) received in the Office of the President of the Senate on September 27, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7128. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Reporting Requirements; Unused Catch Carryover" (RIN0648-BD73) received in the Office of the President of the Senate on September 29, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7129. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Fisheries; Pacific Tuna Fisheries; 2016 Bigeye Tuna Longline Fishery Closure in the Eastern Pacific Ocean" (RIN0648-XE729) received during adjournment of the Senate in the Office of the President of the Senate on September 29, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7130. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2016 Commercial Accountability Measures and Closure for Bluefin Tilefish in the South Atlantic Region" (RIN0648-XE629) received in the Office of the President of the Senate on September 29, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7131. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Extension of the 2016 Gulf of Mexico Private Angling recreational red Snapper Season" (RIN0648-XE674) received in the Office of the President of the Senate on September 29, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7132. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Amendment Relating to Multi-year Contract Authority for acquisition of Property" (RIN9000-AN24) received in the Office of the President of the Senate on September 28, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-7133. A communication from the Acting Deputy Director of Program Development and Regulatory Analysis, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Rural Broadband Access Loans and Loan Guarantees; Correction" (RIN0572-AC34) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7134. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacillus mycoides isolate J; Exemption from the Requirement of a Tolerance" (FRL No. 9947-92) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7135. A communication from the Program Specialist of the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "OCC Guidelines Establishing standards for Recovery Planning by Certain Large Insured National Banks, Insured Federal Savings Associations, and Insured Federal Branches; Technical Amendments" (RIN1557-AD96) received in the Office of the President of the Senate on September 29, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC-7136. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Determination to Approve Site-Specific Flexibility for Closure and Monitoring of the Picacho Landfill" (FRL No. 9953-45-Region 9) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2016; to the Committee on Environment and Public Works.

EC-7137. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Effluent Limitations Guidelines and Standards for the Oil and Gas Extraction Point Source Category—Implementation Date Extension" (FRL No. 9953-26-OW) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2016; to the Committee on Environment and Public Works.

EC-7138. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Availability of Date Allocations of Cross-State Air Pollution Rule allowances to Existing Electricity Generating Units" (FRL No. 9953-30-OAR) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2016; to the Committee on Environment and Public Works.

EC-7139. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Nebraska's Air Quality Implementation Plans; Title 129, Chapters 5, 9, 22, 30, and 34, and State Operating Permit Programs" (FRL No. 9953-57-Region 7) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2016; to the Committee on Environment and Public Works.

EC-7140. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule en-

titled "Approval of Nebraska's Air Quality Implementation Plans; Revisions to Title 129, Chapters 4, 19, and 22" (FRL No. 9953-61-Region 7) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2016; to the Committee on Environment and Public Works.

EC-7141. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Missouri's Air Quality Implementation Plans and Operating Permits Program; Greenhouse Gas Tailoring Rule and Non-substantive Definition and Language Changes" (FRL No. 9953-34-Region 7) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2016; to the Committee on Environment and Public Works.

EC-7142. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of California Air Plan revisions, San Joaquin Valley Unified Air Pollution Control District" (FRL No. 9951-67-Region 9) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2016; to the Committee on Environment and Public Works.

EC-7143. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of California Air Plan Revisions, Sacramento Metropolitan Air Quality Management District and San Diego County Air Pollution Control District" (FRL No. 9952-13-Region 9) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2016; to the Committee on Environment and Public Works.

EC-7144. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants, State of Wyoming; Control of Emissions From Existing Hospital/Medical/Infections Waste Incinerator Units, Plan Revision" (FRL No. 9953-13-Region 8) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2016; to the Committee on Environment and Public Works.

EC-7145. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Washington: Updates to Incorporation by Reference and Miscellaneous Revisions" (FRL No. 9953-50-Region 10) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2016; to the Committee on Environment and Public Works.

EC-7146. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Philadelphia County Reasonably Available Control Technology Under the 1997 8-Hour Ozone National Ambient Air Quality Standards" (FRL No. 9953-52-Region 3) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2016; to the Committee on Environment and Public Works.

EC-7147. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule en-

titled "Approval and Promulgation of air Quality Implementation Plans; Louisiana; Infrastructure State Implementation Plan Requirements for the National Ambient Air Quality Standards" (FRL No. 9952-82-Region 6) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2016; to the Committee on Environment and Public Works.

EC-7148. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Limited Approval and Limited Disapproval of Air quality Implementation Plans; California; Northern Sonoma County Air Pollution Control District; Stationary Source Permits" (FRL No. 9950-74-Region 9) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2016; to the Committee on Environment and Public Works.

EC-7149. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air plan Approval; Mississippi; Infrastructure Requirements for the 2010 Sulfur Dioxide National Ambient Air Quality Standard" (FRL No. 9953-35-Region 4) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2016; to the Committee on Environment and Public Works.

EC-7150. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; Indiana; Temporary Alternate Opacity Limits for American Electric Power, Rockport" (FRL No. 9953-14-Region 5) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2016; to the Committee on Environment and Public Works.

EC-7151. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; Georgia; Volatile Organic Compounds" (FRL No. 9953-64-Region 4) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2016; to the Committee on Environment and Public Works.

EC-7152. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Interstate Transport Rule for the 2008 Ozone NAAQS" (FRL No. 9950-30-OAR) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2016; to the Committee on Environment and Public Works.

EC-7153. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extension of Replacement Period for Livestock Sold on Account of Drought" (Notice 2016-60) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Finance.

EC-7154. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Liabilities Recognized as Recourse Partnership Liabilities Under Section 752" ((RIN1545-BM84) (TD 9788)) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Finance.

EC-7155. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2016-0123-2016-0134); to the Committee on Foreign Relations.

EC-7156. A communication from the Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received in the Office of the President of the Senate on September 28, 2016; to the Committee on Health, Education, Labor, and Pensions.

EC-7157. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to the Department of Defense Agency Financial Report (AFR) for fiscal year 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-7158. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Spiny Dogfish Fishery; 2016-2018 Specifications" (RIN0648-BF88) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7159. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Adjustment to 2016 Northern Albacore Tuna and Atlantic Bluefin Tuna Quotas" (RIN0648-XE726) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7160. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Skate Complex Fishery; Framework Adjustment 3 and 2016-2017 Specifications" (RIN0648-BF87) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7161. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Skate Complex; Framework Adjustment 3; Correction" (RIN0648-BF87) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7162. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Fisheries; Tuna and Tuna-Like Species in the Eastern Pacific Ocean; Fishing Restrictions Regarding Mobulid Rays" (RIN0648-BF65) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2016; to

the Committee on Commerce, Science, and Transportation.

EC-7163. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Regulatory Amendment 25" (RIN0648-BF61) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7164. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Mariana Archipelago Fisheries; Remove the CNMI Medium and Large Vessel Bottomfish Prohibited Areas" (RIN0648-BF37) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7165. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Island Pelagic Fisheries; 2016 U.S. Territorial Longline Bigeye Tuna Catch Limits" (RIN0648-XE284) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7166. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2016-6671)) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7167. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2015-5814)) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7168. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2016-5591)) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7169. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2016-9108)) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7170. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthi-

ness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2015-6550)) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7171. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2016-6901)) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7172. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2015-8135)) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7173. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Services B.V. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2016-6665)) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7174. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Services B.V. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2016-5035)) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7175. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Gulfstream Aerospace Corporation Airplanes" ((RIN2120-AA64) (Docket No. FAA-2016-9070)) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7176. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dassault Aviation Airplanes" ((RIN2120-AA64) (Docket No. FAA-2016-6146)) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7177. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Agusta S.p.A. Helicopters" ((RIN2120-AA64) (Docket No. FAA-2015-3781)) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7178. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; International Aero Engines AG Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2016-5392)) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7179. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Saab AB, Saab Aeronautics (Type Certificate Previously Held by Saab, AB, Saab Aerosystems) Airplanes" ((RIN2120-AA64) (Docket No. FAA-2016-6668)) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7180. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Viking Air Limited Airplanes" ((RIN2120-AA64) (Docket No. FAA-2016-4229)) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7181. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; ATR-GIE Avions de Transport Regional Airplanes" ((RIN2120-AA64) (Docket No. FAA-2015-0077)) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7182. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Lakota, SD" ((RIN2120-AA66) (Docket No. FAA-2016-6115)) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7183. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Jetmore, KS" ((RIN2120-AA66) (Docket No. FAA-2016-7002)) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7184. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D and Class E Airspace; Brookshire, TX" ((RIN2120-AA66) (Docket No. FAA-2014-0742)) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7185. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modifica-

tion of Class D Airspace; Peru, IN" ((RIN2120-AA66) (Docket No. FAA-2016-6006)) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7186. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Ithaca, NY" ((RIN2120-AA66) (Docket No. FAA-2016-8816)) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7187. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Truckee, CA" ((RIN2120-AA66) (Docket No. FAA-2015-4074)) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7188. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and E Airspace, and Revocation of Class E Airspace; Troy, AL" ((RIN2120-AA66) (Docket No. FAA-2014-0726)) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7189. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class D Airspace; Vancouver, WA" ((RIN2120-AA66) (Docket No. FAA-2015-4133)) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7190. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and E Airspace and Revocation of Class E Airspace; Sioux City, IA" ((RIN2120-AA66) (Docket No. FAA-2015-7487)) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7191. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class E Airspace; Alliance, NE; and Amendment of Class E Airspace for the Following Nebraska Towns; Albion, NE; Alliance, NE; Gothenburg, NE; Holdrege, NE; Imperial, NE; Lexington, NE; and Millard Airport, Omaha, NE" ((RIN2120-AA66) (Docket No. FAA-2016-5388)) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7192. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Tall Ships Challenge Great Lakes 2016, Fairport Harbor, OH, Bay City, MI, Chicago, IL, Green Bay, WI, Duluth, MN, Erie, PA" ((RIN1625-AA00) (Docket No. USCG-2016-0267)) received during adjourn-

ment of the Senate in the Office of the President of the Senate on July 20, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7193. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Parts and Accessories Necessary for Safe Operation; Windshield-Mounted Technologies" ((RIN2126-AB94) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7194. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "System Safety Program" (RIN2130-AC31) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7195. A communication from the President of the United States to the President Pro Tempore of the United States Senate, transmitting, consistent with the War Powers Act, a report relative to targeted missile strikes on radar facilities in Houthi-controlled territory in Yemen, received during adjournment of the Senate on October 14, 2016; to the Committee on Foreign Relations.

EC-7196. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tolfeppyrad; Pesticide Tolerances for Emergency Exemptions" (FRL No. 9951-57) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7197. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Dichloromord; Pesticide Tolerances" (FRL No. 9951-90) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7198. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Acrylic acid-butyl acrylate-styrene copolymer; Tolerance Exemption" (FRL No. 9952-34) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7199. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Isotefamid; Pesticide Tolerances for Emergency Exemptions" (FRL No. 9952-59) received during adjournment of the Senate in the Office of the President of the Senate on October 13, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7200. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Metaldehyde; Pesticide Tolerances" (FRL No. 9951-78) received during adjournment of the Senate in the Office of the President of the Senate on October 13, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7201. A communication from the Administrator of the Specialty Crops Program, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to

law, the report of a rule entitled “Domestic Dates Produced or Packed in Riverside County, California; Decreased Assessment Rate” (Docket No. AMS-SC-16-0084) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7202. A communication from the Administrator of the Specialty Crops Program, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Oranges and Grapefruit Grown in Lower Rio Grande Valley in Texas; Decreased Assessment Rate” (Docket No. AMS-FV-15-0035) received during adjournment of the Senate in the Office of the President of the Senate on March 28, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7203. A communication from the Chief of the Planning and Regulatory Affairs Branch, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Regulatory Implementation of Office of Management and Budget’s Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Rewards” (RIN0584-AE42) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7204. A communication from the Acting Director of the Legislative Affairs Division, Natural Resources Conservation Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Agricultural Conservation Easement Program” (RIN0578-AA61) received during adjournment of the Senate in the Office of the President of the Senate on October 20, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7205. A communication from the Chief of the Financial Management and Agreements Division, Agricultural Research Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “General Administrative Policy for Non-Assistance Cooperative Agreements” (RIN0518-AA06) received during adjournment of the Senate in the Office of the President of the Senate on October 19, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7206. A communication from the Secretary of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled “Clearing Requirement Determination under Section 2(h) of the Commodity Exchange Act for Interest Rate Swaps” (RIN3038-AE20) received during adjournment of the Senate in the Office of the President of the Senate on October 12, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7207. A communication from the Under Secretary of Defense (Acquisition, Technology, and Logistics), transmitting, pursuant to law, a report relative to the merger of the Office of the Assistant Secretary of Defense for Operational Energy Plans and Programs and the Office of the Deputy Under Secretary of Defense for Installation and Environment; to the Committee on Armed Services.

EC-7208. A communication from the Alternate Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Identification (ID) Cards for Members of the Uniformed Services, Their Dependents, and Other Eligible Individuals” (RIN0790-AJ37) received during adjournment of the Senate in the Office of the President of the Senate on October 19, 2016; to the Committee on Armed Services.

EC-7209. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Defense Federal Acquisition Regulation Supplement: Prohibition on Use of any Cost-Plus System of Contracting for Military Construction and Military Family Housing Projects” ((RIN0750-AI87) (DFARS Case 2015-D040)) received during adjournment of the Senate in the Office of the President of the Senate on October 18, 2016; to the Committee on Armed Services.

EC-7210. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Defense Federal Acquisition Regulation Supplement: Display of Hotline Posters” ((RIN0750-AI94) (DFARS Case 2016-D018)) received during adjournment of the Senate in the Office of the President of the Senate on October 18, 2016; to the Committee on Armed Services.

EC-7211. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Defense Federal Acquisition Regulation Supplement: Network Penetration Reporting and Contracting for Cloud Services” ((RIN0750-AI61) (DFARS Case 2013-D018)) received during adjournment of the Senate in the Office of the President of the Senate on October 18, 2016; to the Committee on Armed Services.

EC-7212. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Defense Federal Acquisition Regulation Supplement: Rights in Technical Data” ((RIN0750-AI91) (DFARS Case 2016-D008)) received during adjournment of the Senate in the Office of the President of the Senate on October 18, 2016; to the Committee on Armed Services.

EC-7213. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the Continuing Appropriations and Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2017, and Zika Response and Preparedness Act; to the Committee on the Budget.

EC-7214. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the designation of funding for Overseas Contingency Operations/Global War on Terrorism; to the Committee on the Budget.

EC-7215. A communication from the Deputy General Counsel for Operations, Department of Housing and Urban Development, transmitting, pursuant to law, a report relative to a vacancy in the position of General Counsel, Department of Housing and Urban Development, received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC-7216. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 12978 of October 21, 1995, with respect to significant narcotics traffickers centered in Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC-7217. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 on November 14, 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC-7218. A communication from the Secretary of the Treasury, transmitting, pursu-

ant to law, a six-month periodic report on the national emergency with respect to South Sudan that was declared in Executive Order 13664 of April 3, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC-7219. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13694 of April 1, 2015, with respect to significant malicious cyber-enabled activities; to the Committee on Banking, Housing, and Urban Affairs.

EC-7220. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the situation in or in relation to the Democratic Republic of the Congo that was declared in Executive Order 13413 of October 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-7221. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13067 of November 3, 1997, with respect to Sudan; to the Committee on Banking, Housing, and Urban Affairs.

EC-7222. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency with respect to narcotics traffickers centered in Colombia that was declared in Executive Order 12978, received during the adjournment of the Senate in the Office of the President of the Senate on October 18, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC-7223. A communication from the President of the United States, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the situation in or in relation to the Democratic Republic of the Congo that was declared in Executive Order 13413 of October 27, 2006, received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC-7224. A communication from the Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled “Investment Company Swing Pricing” (RIN3235-AL61) received during adjournment of the Senate in the Office of the President of the Senate on October 20, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC-7225. A communication from the Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled “Investment Company Liquidity Risk Management Programs” (RIN3235-AL61) received during adjournment of the Senate in the Office of the President of the Senate on October 20, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC-7226. A communication from the Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled “Investment Company Reporting Modernization” (RIN3235-AL42) received during adjournment of the Senate in the Office of the President of the Senate on October 20, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC-7227. A communication from the Director, Community Development Financial Institutions Fund, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Bank Enterprise Award System” ((RIN1505-AA91) (12 CFR Part 1806)) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC-7228. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled “Regulatory Capital Rules: The Federal Reserve Board’s Framework for Implementing the U.S. Basel III Countercyclical Capital Buffer” (RIN7100-AE43) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC-7229. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Suspension of Community Eligibility; Louisa County, VA, and Unincorporated Areas” ((44 CFR Part 64) (Docket No. FEMA-2016-0002)) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC-7230. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material” (RIN1992-AA36) received in the Office of the President of the Senate on October 18, 2016; to the Committee on Energy and Natural Resources.

EC-7231. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Energy Conservation Program: Energy Conservation Standards for Direct Heating Equipment” (RIN1904-AD65) received in the Office of the President of the Senate on October 18, 2016; to the Committee on Energy and Natural Resources.

EC-7232. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Energy Conservation Program: Test Procedures for Certain Categories of General Service Lamps” (RIN1904-AD64) received in the Office of the President of the Senate on October 18, 2016; to the Committee on Energy and Natural Resources.

EC-7233. A communication from the Deputy General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled “Format and Dimensions of Maps and Drawings Required by the Commission’s Hydropower Program” ((RIN1902-AE90) (Docket No. RM14-20-000)) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2016; to the Committee on Energy and Natural Resources.

EC-7234. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled “Reliability Standard for Transmission System Planned Performance for Geomagnetic Disturbance Events” ((RIN1902-0264) (Docket No. RM15-11-000)) received during adjournment of the Senate in the Office of the President of the Senate on October 11, 2016; to the Committee on Energy and Natural Resources.

EC-7235. A communication from the Director of the Office of Native Hawaiian Relations, Office of the Secretary, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Land Exchange Procedures and Procedures to Amend the Hawaiian Homes Commission Act, 1920” (RIN1090-AA98) received in the Office of the President of the Senate on September 29,

2016; to the Committee on Energy and Natural Resources.

EC-7236. A communication from the Conservation Policy Specialist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Non-Subsistence Take of Wildlife, and Public Participation and Closure Procedures, on National Wildlife Refuges in Alaska” (RIN1018-BA31) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Energy and Natural Resources.

EC-7237. A communication from the Department Program Director, Office of Acquisition and Property Management, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Revision to Nonprocurement Suspension and Debarment Regulations” (RIN1090-AB12) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Energy and Natural Resources.

EC-7238. A communication from the Special Agent in Charge of the Branch of Investigations, Office of Law Enforcement, Fish and Wildlife Service, transmitting, pursuant to law, the report of a rule entitled “Civil Penalties; Inflation Adjustments for Civil Monetary Penalties” (RIN1018-BB32) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Energy and Natural Resources.

EC-7239. A communication from the Acting Chief of the Foreign Species Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Taxonomic Correction for the Grand Cayman Ground Iguana” (RIN1018-BB69) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2016; to the Committee on Environment and Public Works.

EC-7240. A communication from the Acting Unified Listing Team Manager, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Endangered Species Status for *Chamaecrista lineata* var. *keyensis* (Big Pine Partridge Pea), *Chamaesyce deltoidea* ssp. *serpyllum* (Wedge Spurge), and *Linum arenicola* (Sand Flax), and Threatened Species Status for *Argythamnia blodgettii* (Blodgett’s Silverbush)” (RIN1018-AZ95) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2016; to the Committee on Environment and Public Works.

EC-7241. A communication from the Unified Listing Team Manager, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Endangered Status for 49 Species From the Hawaiian Islands” (RIN1018-BB07) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2016; to the Committee on Environment and Public Works.

EC-7242. A communication from the Chief of the Listing and Policy Support Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Revisions to the Regulations for Petitions” (RIN1018-BA53 and RIN0648-BF06) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2016; to the Committee on Environment and Public Works.

EC-7243. A communication from the Acting Branch Chief of the Unified Listing Team,

Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Threatened Status for *Lepidium papilliferum* (Slickspot Peppergrass) Throughout Its Range” (RIN1018-BA27) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Environment and Public Works.

EC-7244. A communication from the Acting Branch Chief of the Unified Listing Team, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Threatened Species Status for Suwannee Moccasinshell” (RIN1018-BB09) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Environment and Public Works.

EC-7245. A communication from the Chief of the Division of Policy, Performance, and Management Programs, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Amending the Formats of the Lists of Endangered and Threatened Wildlife and Plants” (RIN1018-AU62) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Environment and Public Works.

EC-7246. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Migratory Bird Hunting; Seasons and Bag and Possession Limits for Certain Migratory Game Birds” (RIN1018-BA70) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Environment and Public Works.

EC-7247. A communication from the Acting Branch Chief of the Unified Listing Team, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Endangered Species Status for the Miami Tiger Beetle (*Cicindelia floridana*)” (RIN1018-BA16) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Environment and Public Works.

EC-7248. A communication from the Acting Chief of the Unified Listing Team, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Sierra Nevada Yellow-Legged Frog, the Northern DPS of the Mountain Yellow-Legged Frog, and the Yosemite Toad” (RIN1018-AY07) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Environment and Public Works.

EC-7249. A communication from the Acting Manager of the Unified Listing Team, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Threatened Species Status for *Platanthera integrilabia* (White Fringeless Orchid)” (RIN1018-BA93) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Environment and Public Works.

EC-7250. A communication from the Acting Manager of the Unified Listing Team, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and

Threatened Wildlife and Plants; Designation of Critical Habitat for the Acuna Cactus and the Fickeisen Plains Cactus" (RIN1018-AZ43) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Environment and Public Works.

EC-7251. A communication from the Acting Manager of the Unified Listing Team, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Threatened Species Status for the Elfín-woods Warbler with 4(d) Rule" (RIN1018-BA94) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Environment and Public Works.

EC-7252. A communication from the Chief of the Unified Listing Team, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Lesser Prairie-Chicken Removed From the List of Endangered and Threatened Wildlife" (RIN1018-BB67) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Environment and Public Works.

EC-7253. A communication from the Chief of the Unified Listing Team, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Threatened Species Status for Kentucky Arrow Darter with 4(d) Rule" (RIN1018-AZ09) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Environment and Public Works.

EC-7254. A communication from the Chief of the Unified Listing Team, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Kentucky Arrow Darter" (RIN1018-BB05) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Environment and Public Works.

EC-7255. A communication from the Acting Branch Chief of the Unified Listing Team, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Endangered Status for Five Species From American Samoa" (RIN1018-AZ97) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Environment and Public Works.

EC-7256. A communication from the Chief of the Branch of Aquatic Invasive Species, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Listing 10 Freshwater Fish and 1 Crayfish" (RIN1018-AY69) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Environment and Public Works.

EC-7257. A communication from the Manager of the Unified Listing Team, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Threatened Species Status for the Eastern Massasauga Rattlesnake" (RIN1018-BA98) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Environment and Public Works.

EC-7258. A communication from the Manager of the Unified Listing Team, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Determination of Critical Habitat for the Marbled Murrelet" (RIN1018-BA91) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Environment and Public Works.

EC-7259. A communication from the Chief of the Wildlife Trade and Conservation Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Inclusion of Four Native U.S. Freshwater Turtle Species in Appendix III Of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)" (RIN1018-AZ53) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Environment and Public Works.

EC-7260. A communication from the Conservation Policy Specialist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "2016-2017 Refuge-Specific Hunting and Sport Fishing Regulations" (RIN1018-BB31) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Environment and Public Works.

EC-7261. A communication from the Chief of the Recovery and State Grants Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Removing the San Miguel Island Fox, Santa Rosa Island Fox, and Santa Cruz Island Fox from the Federal List of Endangered and Threatened Wildlife, and Reclassifying the Santa Catalina Island Fox from Endangered to Threatened" (RIN1018-BA71) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Environment and Public Works.

EC-7262. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Denial of Request for Extension of Attainment Date for 1997 PM2.5 NAAQS; California; San Joaquin Valley Serious Non-attainment Area" (FRL No. 9953-66-Region 9) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Environment and Public Works.

EC-7263. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Missouri's Air Quality Implementation Plans, Operating Permits Program, and 112(1) Plan; Construction Permits Required" (FRL No. 9953-77-Region 7) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Environment and Public Works.

EC-7264. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of California Air Plan Revisions, Butte County Air Quality Management District" (FRL No. 9952-17-Region 9) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Environment and Public Works.

EC-7265. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmit-

ting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plan Revisions to Primary Air Quality Standards, Minor Source Baseline Date, Incorporation by Reference and 2008 Ozone NAAQS Infrastructure Requirements for CAA Section 110(a) (2) (C) and (D) (i) (II); Wyoming" (FRL No. 9953-78-Region 8) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Environment and Public Works.

EC-7266. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Revision of Regulations for Sulfur Content of Fuel Oil" (FRL No. 9953-74-Region 3) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Environment and Public Works.

EC-7267. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Update to the Refrigerant Management Requirements under the Clean Air Act" ((RIN2060-AS51) (FRL No. 9950-28-OAR)) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Environment and Public Works.

EC-7268. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to Public Notice Provisions in Clean Air Act Permitting Programs" ((RIN2060-AS59) (FRL No. 9954-10-OAR)) received during adjournment of the Senate in the Office of the President of the Senate on October 13, 2016; to the Committee on Environment and Public Works.

EC-7269. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plan; California; Calaveras County, Chico (Butte County), San Francisco Bay Area and San Luis Obispo County (Eastern San Luis Obispo) Base Year Emission Inventories for the 2008 Ozone Standards" (FRL No. 9954-20-Region 9) received during adjournment of the Senate in the Office of the President of the Senate on October 13, 2016; to the Committee on Environment and Public Works.

EC-7270. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Revisions to the Utah Division of Administrative Rules, R307-300 Series; Area Source Rules for Attainment of Fine Particulate Matter Standards." (FRL No. 9954-14-Region 8) received during adjournment of the Senate in the Office of the President of the Senate on October 13, 2016; to the Committee on Environment and Public Works.

EC-7271. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Disapproval and Promulgation of Air Quality Implementation Plans; Interstate Transport for Utah" (FRL No. 9954-13-Region 8) received during adjournment of the Senate in the Office of the President of the Senate on October 13, 2016; to the Committee on Environment and Public Works.

EC-7272. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; Ohio; Removal of Gasoline Vapor Recovery Requirements." (FRL No. 9954-21-Region 5) received during adjournment of the Senate in the Office of the President of the Senate on October 13, 2016; to the Committee on Environment and Public Works.

EC-7273. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; KY; Removal of Stage II Gasoline Vapor Recovery Program" (FRL No. 9954-08-Region 4) received during adjournment of the Senate in the Office of the President of the Senate on October 13, 2016; to the Committee on Environment and Public Works.

EC-7274. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2016 National Pool" (Rev. Proc. 2016-52) received during adjournment of the Senate in the Office of the President of the Senate on October 20, 2016; to the Committee on Finance.

EC-7275. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Addition to No Rule List for Section 851" (Rev. Proc. 2016-50) received during adjournment of the Senate in the Office of the President of the Senate on October 20, 2016; to the Committee on Finance.

EC-7276. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Election to take disaster loss deduction for preceding year." (RIN1545-BM03) (TD 9789) received during adjournment of the Senate in the Office of the President of the Senate on October 20, 2016; to the Committee on Finance.

EC-7277. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—November 2016" (Rev. Rul. 2016-26) received during adjournment of the Senate in the Office of the President of the Senate on October 20, 2016; to the Committee on Finance.

EC-7278. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Procedures under Section 165(i)" (Rev. Proc. 2016-53) received during adjournment of the Senate in the Office of the President of the Senate on October 20, 2016; to the Committee on Finance.

EC-7279. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 707 Regarding Disguised Sales, Generally" (RIN1545-BK29) (TD 9787) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Finance.

EC-7280. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Special Per Diem Rates 2016-2017" (Notice 2016-58) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Finance.

EC-7281. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Employee Plans Compliance Resolution System ("EPCRS") Update" (Rev. Proc. 2016-51) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Finance.

EC-7282. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Credit for Increasing Research Activities" (RIN1545-BC70) (TD 9786) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Finance.

EC-7283. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Use of Contingency to Satisfy CRAT Exhaustion Test" (Rev. Proc. 2016-49) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Finance.

EC-7284. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Fringe Benefits Aircraft Valuation Formula" (Rev. Rul. 2016-24) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Finance.

EC-7285. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, a report entitled "Andean Trade Preference Act (APTA): Impact on U.S. Industries and Consumers and on Drug Crop Eradication and Crop Substitution, 2015"; to the Committee on Finance.

EC-7286. A communication from the Senior Counsel for Regulatory Affairs, Departmental Offices, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Gulf Coast Restoration Trust Fund" (RIN1505-AC52) received in the Office of the President of the Senate on September 28, 2016; to the Committee on Finance.

EC-7287. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16-078); to the Committee on Foreign Relations.

EC-7288. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16-075); to the Committee on Foreign Relations.

EC-7289. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16-046); to the Committee on Foreign Relations.

EC-7290. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16-057); to the Committee on Foreign Relations.

EC-7291. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16-066); to the Committee on Foreign Relations.

EC-7292. A communication from the Assistant Secretary, Legislative Affairs, Depart-

ment of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16-067); to the Committee on Foreign Relations.

EC-7293. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16-090); to the Committee on Foreign Relations.

EC-7294. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16-085); to the Committee on Foreign Relations.

EC-7295. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16-070); to the Committee on Foreign Relations.

EC-7296. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 3(d) of the Arms Export Control Act (DDTC 16-052); to the Committee on Foreign Relations.

EC-7297. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) and 36(d) of the Arms Export Control Act (DDTC 15-138); to the Committee on Foreign Relations.

EC-7298. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(d) of the Arms Export Control Act (DDTC 16-058); to the Committee on Foreign Relations.

EC-7299. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Amendment to the International Traffic in Arms Regulations: Revision of U.S. Munitions List Category XII" (RIN1400-AD32) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2016; to the Committee on Foreign Relations.

EC-7300. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled "U.S. Assistance for Palestinian Security Forces and Benchmarks for Palestinian Security Assistance Funds"; to the Committee on Foreign Relations.

EC-7301. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2016-0135 - 2016-0141); to the Committee on Foreign Relations.

EC-7302. A communication from the Secretary of Education, transmitting, pursuant to law, the report of a rule entitled "Student Assistance General Provisions, Federal Perkins Loan Program, Federal Family Education Loan Program, William D. Ford Federal Direct Loan Program, and Teacher Education Assistance for College and Higher Education Grant Program" (RIN1840-AD19) received in the Office of the President pro tempore of the Senate; to the Committee on Health, Education, Labor, and Pensions.

EC-7303. A communication from the Secretary of Education, transmitting, pursuant to law, the report of a rule entitled "Teacher Preparation Issues" (RIN1840-AD07) received in the Office of the President pro tempore of the Senate; to the Committee on Health, Education, Labor, and Pensions.

EC-7304. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting,

pursuant to law, a report entitled “Annual Report to Congress on the Prevention and Reduction of Underage Drinking”; to the Committee on Health, Education, Labor, and Pensions.

EC-7305. A communication from the Executive Director of the National Advisory Committee on Institutional Quality and Integrity, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the fiscal year 2016 annual report of the National Advisory Committee on Institutional Quality and Integrity; to the Committee on Health, Education, Labor, and Pensions.

EC-7306. A communication from the Secretary of Labor, transmitting, pursuant to law, a report entitled “The Department of Labor’s 2015 Findings on the Worst Forms of Child Labor”; to the Committee on Health, Education, Labor, and Pensions.

EC-7307. A communication from the Secretary of Labor, transmitting, pursuant to law, a report entitled “List of Goods Produced by Child Labor or Forced Labor”; to the Committee on Health, Education, Labor, and Pensions.

EC-7308. A communication from the Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled “Payment of Premiums; Late Payment Penalty Relief” (RIN1212-AB32) received during adjournment of the Senate in the Office of the President of the Senate on October 13, 2016; to the Committee on Health, Education, Labor, and Pensions.

EC-7309. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Food Additives Permitted in Feed and Drinking Water of Animals; Feed Grade Sodium Formate” (Docket No. FDA-2014-F-0988) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2016; to the Committee on Health, Education, Labor, and Pensions.

EC-7310. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Human Food and Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Food for Animals; Definition of Qualified Auditor; Announcement of Effective Date” (Docket Nos. FDA-2011-N-0920 and FDA-2011-N-0922) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2016; to the Committee on Health, Education, Labor, and Pensions.

EC-7311. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Additions and Modifications to the List of Drug Products That Have Been Withdrawn or Removed From the Market for Reasons of Safety or Effectiveness” ((RIN0910-AH08) (Docket No. FDA-1999-N-0194)) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2016; to the Committee on Health, Education, Labor, and Pensions.

EC-7312. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Medical Devices; Custom De-

vices; Technical Amendment” (Docket No. FDA-2016-N-2518) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2016; to the Committee on Health, Education, Labor, and Pensions.

EC-7313. A communication from the Regulations Coordinator, Health Resources and Services Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “ONC Health IT Certification Program: Enhanced Oversight and Accountability” (RIN0955-AA00) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2016; to the Committee on Health, Education, Labor, and Pensions.

EC-7314. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21-490, “Motor Vehicle Collision Recovery Act of 2016”; to the Committee on Homeland Security and Governmental Affairs.

EC-7315. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21-491, “Safe at Home Act of 2016”; to the Committee on Homeland Security and Governmental Affairs.

EC-7316. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21-492, “Rent Control Hardship Petition Limitation Temporary Amendment Act of 2016”; to the Committee on Homeland Security and Governmental Affairs.

EC-7317. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21-493, “Wage Theft Prevention Correction and Clarification Temporary Amendment Act of 2016”; to the Committee on Homeland Security and Governmental Affairs.

EC-7318. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21-494, “Interior Design Charitable Event Regulation Temporary Amendment Act of 2016”; to the Committee on Homeland Security and Governmental Affairs.

EC-7319. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from October 1, 2015 through March 31, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-7320. A communication from the Director of Regulation, Legislation, and Interpretation, Wage and Hour Division, Department of Labor, transmitting, pursuant to law, the report of a rule entitled “Establishing Paid Sick Leave for Federal Contractors” (RIN1235-AA13) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-7321. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, “Contracting Out School Food Services Failed to Control Costs as Promised”; to the Committee on Homeland Security and Governmental Affairs.

EC-7322. A communication from the Administrator of the U.S. Agency for International Development, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from October 1, 2015 through March 31, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-7323. A communication from the Inspector General of the Pension Benefit Guar-

anty Corporation, transmitting, pursuant to law, the Inspector General’s Semiannual Report to Congress for the period from October 1, 2015, through March 31, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-7324. A communication from the Office Program Manager, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “Repayment by VA of Educational Loans for Certain Psychiatrists” (RIN2900-AP57) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2016; to the Committee on Veterans’ Affairs.

EC-7325. A communication from the Office Program Manager, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “Extension of the Presumptive Period for Compensation for Gulf War Veterans” (RIN2900-AP84) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2016; to the Committee on Veterans’ Affairs.

EC-7326. A communication from the Attorney-Advisor, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report relative to a vacancy for the position of Assistant Secretary for Transportation Policy, Department of Transportation, received in the office of the President of the Senate on September 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7327. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Western and Central Pacific Fisheries for Highly Migratory Species; 2016 Bigeye Tuna Longline Fishery Closure” (RIN0648-XE719) received during adjournment of the Senate in the Office of the President of the Senate on October 13, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7328. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Reapportionment of the 2016 Gulf of Alaska Pacific Halibut Prohibited Species Catch Limits for the Trawl Deep-Water and Shallow-Water Fishery Categories” (RIN0648-XE728) received during adjournment of the Senate in the Office of the President of the Senate on October 13, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7329. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Tribal Usual and Accustomed Fishing Areas” (RIN0648-BF58) received during adjournment of the Senate in the Office of the President of the Senate on October 20, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7330. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Fishing Effort Limits in Purse Seine Fisheries for 2016” (RIN0648-BF93) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7331. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "NASA Federal Acquisition Regulation Supplement: Revised Voucher Submission & Payment Process" (RIN2700-AE34) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7332. A communication from the Deputy Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Connect America Fund; Universal Service Reform—Mobility Fund; Connect America Fund—Alaska Plan" ((RIN3060-AF85) (FCC 16-115)) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7333. A communication from the Chief of the Branch of Recovery and State Grants, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Marine Mammals; Incidental Take During Specified Activities" (RIN1018-BA99) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7334. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Disclosure of Written Consumer Product Warranty Terms and Conditions; Pre-Sale Availability of Written Warranty Terms" (RIN3084-AB24 and RIN3084-AB25) received during adjournment of the Senate in the Office of the President of the Senate on October 19, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7335. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; Atchafalaya River, Morgan City, LA" ((RIN1625-AA08) (Docket No. USCG-2016-0757)) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7336. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; Ohio River, Madison, IN" ((RIN1625-AA08) (Docket No. USCG-2016-0717)) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7337. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; International Jet Sports Boating Association; Lake Havasu City, AZ" ((RIN1625-AA08) (Docket No. USCG-2016-0733)) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7338. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations and Safety Zones; Recurring Marine Events and Fireworks Displays within the Fifth Coast Guard District"

((RIN1625-AA08) (Docket No. USCG-2015-0854)) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7339. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; 22nd International Seapower Symposium Special Events, Rosecliff Mansion and Newport Marriott Hotel, Newport, RI" ((RIN1625-AA87) (Docket No. USCG-2016-0813)) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7340. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; 22nd International Seapower Symposium, Goat Island, Newport, RI" ((RIN1625-AA87) (Docket No. USCG-2016-0790)) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7341. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; New River, Fort Lauderdale, FL" ((RIN1625-AA09) (Docket No. USCG-2015-0271)) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7342. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Keweenaw Waterway, Houghton and Hancock, MI" ((RIN1625-AA09) (Docket No. USCG-2016-0582)) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7343. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Diving Operations, Delaware River, Philadelphia, PA" ((RIN1625-AA00) (Docket No. USCG-2016-0899)) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7344. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Allegheny River, Ohio River, Monongahela River, Pittsburgh, PA" ((RIN1625-AA00) (Docket No. USCG-2016-0912)) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7345. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Dredging, Shark River, NJ" ((RIN1625-AA00) (Docket No. USCG-2016-0824)) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7346. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; 100th Ore Dock Anniversary

Celebration; Chequamegon Bay, Ashland, WI" ((RIN1625-AA00) (Docket No. USCG-2016-0918)) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7347. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Main Branch of the Chicago River, Chicago, IL" ((RIN1625-AA00) (Docket No. USCG-2016-0883)) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7348. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Temporary Change to Date and Location for Recurring Pittsburgh Steelers Fireworks Display within the Eighth Coast Guard District, Pittsburgh, PA" ((RIN1625-AA00) (Docket No. USCG-2016-0895)) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7349. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Monte Foundation Fireworks Extravaganza, Capitola, CA" ((RIN1625-AA00) (Docket No. USCG-2016-0825)) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7350. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Arkansas River, Little Rock, AR" ((RIN1625-AA00) (Docket No. USCG-2016-0885)) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7351. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; South Branch of the Chicago River and Chicago Sanitary and Ship Canal, Chicago, IL" ((RIN1625-AA00) (Docket No. USCG-2016-08451)) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7352. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Columbia River, Sand Island, WA" ((RIN1625-AA00) (Docket No. USCG-2016-0818)) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7353. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Navy UNDET, Apra Outer Harbor, GU" ((RIN1625-AA00) (Docket No. USCG-2016-0791)) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7354. A communication from the Attorney-Advisor, U.S. Coast Guard, Department

of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; M/V Zhen Hua, Blount Island Marine Terminal Crane Movement; St. Johns River, Jacksonville, FL" ((RIN1625-AA00) (Docket No. USCG-2016-0828)) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7355. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; The Perry Group Fireworks Display, Put-in-Bay, OH" ((RIN1625-AA00) (Docket No. USCG-2016-0822)) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7356. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulation; Ohio River, Owensboro, KY" ((RIN1625-AA00) (Docket No. USCG-2016-0864)) received during adjournment of the Senate in the Office of the President of the Senate on October 25, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7357. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Take-off Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (44); Amdt. No. 3712" (RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on October 13, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7358. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Take-off Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (32); Amdt. No. 3713" (RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on October 13, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7359. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Take-off Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (25); Amdt. No. 3714" (RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on October 13, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7360. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Take-off Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (67); Amdt. No. 3711" (RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on October 13, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7361. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to

law, the report of a rule entitled "Amendment of Class E; Tekamah, NE" ((RIN2120-AA66) (Docket No. FAA-2016-6989)) received during adjournment of the Senate in the Office of the President of the Senate on October 13, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7362. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E; Indiana, PA" ((RIN2120-AA66) (Docket No. FAA-2016-6138)) received during adjournment of the Senate in the Office of the President of the Senate on October 13, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7363. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E; Glasgow, KY" ((RIN2120-AA66) (Docket No. FAA-2016-6134)) received during adjournment of the Senate in the Office of the President of the Senate on October 13, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7364. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and Class E Airspace; Hagerstown, MD" ((RIN2120-AA66) (Docket No. FAA-2015-4513)) received during adjournment of the Senate in the Office of the President of the Senate on October 13, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7365. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and Class E Airspace, Falmouth, MA" ((RIN2120-AA66) (Docket No. FAA-2016-5444)) received during adjournment of the Senate in the Office of the President of the Senate on October 13, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7366. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Colored Federal Airway B-1; Alaska" ((RIN2120-AA66) (Docket No. FAA-2016-4648)) received during adjournment of the Senate in the Office of the President of the Senate on October 13, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7367. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Napa, CA" ((RIN2120-AA66) (Docket No. FAA-2016-5574)) received during adjournment of the Senate in the Office of the President of the Senate on October 13, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7368. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sikorsky Aircraft Corporation Helicopters" ((RIN2120-AA64) (Docket No. FAA-2016-6640)) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7369. A communication from the Management and Program Analyst, Federal

Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dassault Aviation Airplanes" ((RIN2120-AA64) (Docket No. FAA-2015-3629)) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7370. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Part 95 Instrument Flight Rules; Miscellaneous Amendments; Amendment No. 529" (RIN2120-AA63) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7371. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Continental Motors, Inc. Reciprocating Engines" ((RIN2120-AA64) (Docket No. FAA-2016-0069)) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7372. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Cancellation of Standard Instrument Approach Procedures as Part of the National Procedures Assessment (NPA) Initiative" (RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7373. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2015-8471)) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7374. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2016-6148)) received during adjournment of the Senate in the Office of the President of the Senate on October 13, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7375. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Saab AB, Saab Aeronautics (Formerly Known as Saab AB, Saab Aerosystems) Airplanes" ((RIN2120-AA64) (Docket No. FAA-2016-9114)) received during adjournment of the Senate in the Office of the President of the Senate on October 13, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7376. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Honeywell International Inc. Turboprop and Turboshaft Engines" ((RIN2120-AA64) (Docket No. FAA-2015-4866))

received during adjournment of the Senate in the Office of the President of the Senate on October 13, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7377. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron Canada Helicopters" ((RIN2120-AA64) (Docket No. FAA-2016-6551)) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7378. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Helicopters" ((RIN2120-AA64) (Docket No. FAA-2016-9168)) received during adjournment of the Senate in the Office of the President of the Senate on October 13, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7379. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2016-5872)) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7380. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2016-5307)) received during adjournment of the Senate in the Office of the President of the Senate on October 13, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7381. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; REIMS AVIATION S.A. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2016-8161)) received during adjournment of the Senate in the Office of the President of the Senate on October 13, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7382. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2015-8470)) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7383. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2016-6418)) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7384. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of

Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2015-8132)) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7385. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2016-5039)) received during adjournment of the Senate in the Office of the President of the Senate on October 13, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7386. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2013-0828)) received during adjournment of the Senate in the Office of the President of the Senate on October 13, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7387. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Gulfstream Aerospace Corporation Airplanes" ((RIN2120-AA64) (Docket No. FAA-2016-9116)) received during adjournment of the Senate in the Office of the President of the Senate on October 13, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7388. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2016-3703)) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7389. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2016-5042)) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7390. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2015-0935)) received during adjournment of the Senate in the Office of the President of the Senate on October 13, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7391. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-1068)) received during adjournment of the Senate in the Office of the President of the Senate on October 13, 2016; to the Com-

mittee on Commerce, Science, and Transportation.

EC-7392. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2016-3992)) received during adjournment of the Senate in the Office of the President of the Senate on October 13, 2016; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-208. A resolution adopted by the Senate of the State of Texas expressing support for the study and regulation of modern agricultural technologies and expressing opposition to regulatory action that results in unnecessary restrictions on the use of modern agricultural technologies; to the Committee on Agriculture, Nutrition, and Forestry.

SENATE RESOLUTION No. 642

Whereas, A sustainable agricultural system is crucial to the continued production of food, feed, and fiber to meet both domestic and global demand; and

Whereas, In the United States, the agriculture and production industries employ precision farming equipment, protection chemistries, genetic engineering or enhancement, agricultural nutrients and other modern technologies; such advanced practices protect the safety of the public an environmental impact while expanding yields improving profitability, and ensuring an abundant and afford supply; and

Whereas, Agricultural pests present significant dangers to the industry and to global supplies of the products, they attack; accordingly, the environmental risks of forgoing advances in agricultural technologies that protect crops are severe; excessive regulation may scuttle or discourage the use of agricultural chemicals that could improve human welfare;

Whereas, Crop protection is among the most studied and highly regulated of all industries, at both the state and federal levels; the use of sound science should be the bedrock of our nation's regulatory scheme for the agriculture and food production industries, as these industries are critical to the economic vitality of Texas and the United States; now, therefore, be it

Resolved, That the Senate of the State of Texas, 84th Legislature, hereby express support for the use of sound science to study and regulate such modern agricultural technologies as crop protection chemistries, genetically engineered or enhanced traits, and nutrients; and, be it further

Resolved, That the senate express opposition to legislative or regulatory action at any level that may result in unnecessary restrictions on the use of modern agricultural technologies; and, be it further

Resolved, That the Senate of the State forward official copies of this resolution to the president of the United States, to the president of the Senate and the speaker of the House of Representatives of the United States Congress, and to all the members of the Texas delegation to Congress with the request that this resolution be entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-209. A concurrent resolution adopted by the Legislature of the State of Louisiana

memorializing the United States Congress to take such actions as are necessary to rectify the revenue sharing inequalities between coastal and interior energy producing states; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION NO. 66

Whereas, since 1920, interior states have been allowed to keep fifty percent of the oil, gas, and coal production revenues generated in their states from mineral production on federal lands within their borders, including royalties, severance taxes, and bonuses; and

Whereas, coastal states with onshore and offshore oil and gas production face inequities under the federal energy policies because those coastal states have not been party to this same level of revenue sharing partnership with the federal government; and

Whereas, coastal energy producing states have a limited partnership with the federal government that provides for them to retain very little revenue generated from their offshore energy production, energy that is produced for use throughout the nation; and

Whereas, in 2006 congress passed the Gulf of Mexico Energy Security Act (GOMESA) that will fully go into effect in 2017; an act that calls for a sharing of thirty-seven and five tenths percent of coastal production revenues with four gulf states with a cap of five hundred million dollars per year; and

Whereas, the Fixing America's Inequities with Revenues (FAIR) Act would have addressed the inequity suffered by coastal oil and gas producing states by accelerating the implementation of GOMESA as well as by gradually lifting all revenue sharing caps but the legislation died with the close of the previous congress; and

Whereas, with the state and its offshore waters taken alone, Louisiana is the ninth largest producer of oil in the United States in 2014 while including offshore oil from federal waters, it was the second largest oil producer in the country; and when taken alone Louisiana was the fourth largest producer of gas in the United States in 2013 while including the Gulf of Mexico waters, it was the second largest producer in the United States; and

Whereas, with nineteen operating refineries in the state, Louisiana was second only to Texas as of January 2014 in both total and operating refinery capacity, accounting for nearly one-fifth of the nation's total refining capacity; and

Whereas, Louisiana's contributions to the United States Strategic Petroleum Reserve with two facilities located in the state consisting of twenty-nine caverns capable of holding nearly three hundred million barrels of crude oil; and

Whereas, with three onshore liquified natural gas facilities, more than any other state in the country, and the Louisiana Offshore Oil Port, the nation's only deepwater oil port, Louisiana plays an essential role in the movement of natural gas from the United States Gulf Coast region to markets throughout the country; and

Whereas, it is apparent that Louisiana plays an essential role in supplying the nation with energy and it is vital to the security of our nation's energy supply, roles that should be recognized and compensated at an appropriate revenue sharing level; and

Whereas, the majority of the oil and gas production from the Gulf of Mexico enters the United States through coastal Louisiana with all of the infrastructure necessary to receive and transport such production, infrastructure that has for many decades damaged the coastal areas of Louisiana, an impact that should be compensated through appropriate revenue sharing with the federal government; and

Whereas, because Louisiana is losing more coastal wetlands than any other state in the country, in 2006 the people of Louisiana overwhelmingly approved a constitutional amendment dedicating revenues received from Outer Continental Shelf oil and gas activity to the Coastal Protection and Restoration Fund for the purposes of coastal protection, including conservation, coastal restoration, hurricane protection, and infrastructure directly impacted by coastal wetland losses; and

Whereas, the state of Louisiana has developed a science-based "Comprehensive Master Plan for a Sustainable Coast" which identifies and prioritizes the most efficient and effective projects in order to meet the state's critical coastal protection and restoration needs; and

Whereas, the Coastal Protection and Restoration Authority is making great progress implementing the projects in the "Comprehensive Master Plan for a Sustainable Coast" with all available funding, projects that are essential to the protection of the infrastructure that is critical to the energy needs of the United States; and

Whereas, in order to properly compensate the coastal states for the infrastructure demands that result from production of energy and fuels that heat and cool the nation's homes, offices, and businesses and fuel the nation's transportation needs, revenue sharing for coastal states needs to be at the same rate as interior states that produce oil, gas, and coal. Therefore, be it

Resolved That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to treat mineral and gas production in the Gulf Coastal states in a manner that is at least equal to onshore oil, gas, and coal production in interior states for revenue purposes; and to rectify the revenue sharing inequities between coastal and interior energy producing states in order to address the nationally significant crisis of wetland loss in the state of Louisiana. Be it further

Resolved That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-210. A resolution adopted by the Legislature of the Commonwealth of Massachusetts supporting the friendship between Massachusetts and Taiwan in the international community; to the Committee on Foreign Relations.

RESOLUTIONS

Whereas, the United States and Taiwan share an important relationship supported by common values of freedom, democracy, rule of law and a free market economy; and

Whereas, President Ma Ying-Jeou has worked to uphold democratic principles in Taiwan, ensure the prosperity of Taiwan's more than 23 million people, promote Taiwan's international standing and improve relations between the United States and Taiwan; and

Whereas, the Commonwealth has enjoyed a close friendship with Taiwan, marked by strong bilateral trade, educational and cultural exchange, scientific and technological development and tourism; and

Whereas, New England has exported more than \$1 billion in goods to Taiwan of which the Commonwealth exported \$825 million in commodities, mostly in machinery, computer and electronic products and chemicals; and

Whereas, the United States has maintained and developed its commercial ties with Taiwan since 1979 and Taiwan is the tenth larg-

est trading partner of the United States while the United States is Taiwan's largest foreign investor; and

Whereas, Taiwan has been a member of the United States Visa Waiver Program since November 1, 2012, reflecting the cooperation between the United States and Taiwan and making travel for business and tourism more convenient; and

Whereas, Taiwan has made significant contributions toward peace in the region through discussions regarding the use of resources in the surrounding seas; and

Whereas, Taiwan is a key transport hub in the Asia-Pacific region and has jurisdiction over the 176,000 square nautical miles of the Taipei Flight Information region and has attended the International Civil Aviation Organization, ICAO, assembly as a special guest since 2013; and

Whereas, Taiwan is committed to ICAO standards and seeks to expand its meaningful participation in the ICAO including attending technical and regional meetings and related activities; and

Whereas, Taiwan strives to be included in the work of the United Nations Framework Convention on Climate Change and has expressed a keen interest in the global effort to address climate change; Now therefore be it,

Resolved, That the Massachusetts General Court hereby reaffirms the friendship between the Commonwealth and Taiwan; and be it further

Resolved, That a copy of these resolutions be transmitted forthwith by the clerk of the Senate to the President of the United States, to the Presiding Officer of each branch of Congress and the members thereof from the Commonwealth, to the Honorable Charles D. Baker, Governor of the Commonwealth, to the Honorable Ma Ying-Jeou, President of Taiwan and Scott Lai, Director-General of the Taipei Economic and Cultural Office in the city of Boston.

POM-211. A joint resolution adopted by the General Assembly of the State of Colorado concerning atrocities against Christians and other ethnic and religious minorities; to the Committee on Foreign Relations.

HOUSE JOINT RESOLUTION 16-1913

Whereas, Those who commit or support atrocities against Christians and other ethnic and religious minorities, including Yezidis, Turkmen, Sabean-Mandeans, Kaka'e, Shi'a, and Kurds, and who target them specifically for ethnic or religious reasons, intend to exterminate or to force the migration or submission of anyone who does not share their views concerning religion; and

Whereas, Christians and other ethnic and religious minorities have been an integral part of the cultural fabric of the Middle East for millennia; and

Whereas, Christians and other ethnic and religious minorities have been murdered; subjugated; forced to emigrate; and have suffered grievous bodily and psychological harm, including sexual enslavement and abuse, inflicted in a deliberate and calculated manner in violation of the laws of their respective nations, the laws of war, laws and treaties forbidding crimes against humanity, and the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, signed in Paris on December 9, 1948 (the Convention); and

Whereas, These atrocities are undertaken with the specific intent to bring about the eradication and displacement of their communities and the destruction of their cultural heritage in violation of local laws, the laws of war, laws and treaties that punish crimes against humanity, and the Convention; and

Whereas, Local, national, and international laws and treaties, as well as the Convention, condemn murder, massacre, forced migration, extrajudicial punishment, kidnapping, slavery, human trafficking, torture, rape, and persecution of individuals based upon their religion, and these crimes shall be punished, whether they are committed by constitutionally responsible rulers, public officials, or private individuals; and

Whereas, Article I of the Convention and international and local laws confirm that genocide and crimes against humanity, whether committed in time of peace or in time of war, are crimes that governmental authorities are obligated to prevent and to punish; and

Whereas, Article II of the Convention declares that “genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; [and] (e) Forcibly transferring children of the group to another group”; and

Whereas, Article III of the Convention affirms that “the following acts shall be punishable: (a) Genocide; (b) Conspiracy to commit genocide; (c) Direct and public incitement to commit genocide; (d) Attempt to commit genocide; [and] (e) Complicity in genocide”; and

Whereas, A March 13, 2015, report of the United Nations Committee on Human Rights prepared at the request of the Government of Iraq stated “[e]thnic and religious groups targeted by ISIL include Yezidis, Christians, Turkmen, Sabeen-Mandean, Kaka’e, Kurds and Shi’a” and that “[i]t is reasonable to conclude that some of the incidents [in Iraq in 2014-2015] . . . may constitute genocide”; and

Whereas, Attacks on Yezidis included the mass killing of men and boys and the enslavement and forcible transfer of women and children; and

Whereas, On July 10, 2015, Pope Francis, Supreme Pontiff of the Roman Catholic Church, declared that Middle Eastern Christians are facing genocide, a reality that must be “denounced”, and that “[i]n this third world war, waged piecemeal, which we are now experiencing, a form of genocide is taking place, and it must end”; now, therefore, Be It

Resolved by the House of Representatives of the Seventieth General Assembly of the State of Colorado, the Senate concurring herein:

That we, the members of the General Assembly, find that:

(1) The atrocities committed against Christians and other ethnic and religious minorities who are targeted specifically for religious reasons constitute, and are hereby declared to be, crimes against humanity and genocide; and

(2) Each of the contracting parties to the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, signed in Paris on December 9, 1948, and to other international agreements forbidding war crimes and crimes against humanity, particularly the governments of countries and their nationals who are in any way supporting these crimes, are reminded of their legal obligations under the Convention and those international agreements; and

(3) Every government and multinational body should call the atrocities being committed in the name of religion by their right-

ful names—“crimes against humanity”, “war crimes”, and “genocide”; and

(4) The United Nations and the United Nations Secretary-General should assert leadership by calling the atrocities being committed in these places by their rightful names—“war crimes”, “crimes against humanity”, and “genocide”; and

(5) The member states of the United Nations, with an urgent appeal to the Arab States that wish to uphold religious freedom, tolerance, and justice:

(A) Should join in this resolution;

(B) Should collaborate on measures to prevent further war crimes, crimes against humanity, and genocide; and

(C) Should collaborate on the establishment and operation of domestic, regional, and international tribunals to punish those responsible for the ongoing crimes; and

(6) The governments of the Kurdistan Region of Iraq, the Hashemite Kingdom of Jordan, the Lebanese Republic, and other countries, including Turkey, Greece, the United States of America, and the member states of the European Union, are commended for having sheltered and protected those fleeing the violence of ISIS (Daesh) and other extremists until they can safely return to their homes in Iraq and Syria; and

(7) All those who force the migration of religious communities from their ancestral homelands, where they have lived and practiced their faith in safety and stability for hundreds of years—including specifically the Nineveh Plain, a historic heartland of Christianity in Iraq, and Mount Sinjar, the historic home of the Yezidis—should be tracked, sanctioned, arrested, prosecuted, and punished in accordance with the laws of the place where their crimes were committed and under applicable international criminal statutes and conventions. Be It Further

Resolved, That copies of this Joint Resolution be sent to President Barack Obama; Vice President Joe Biden; Mitch McConnell, Majority Leader, United States Senate; Harry Reid, Minority Leader, United States Senate; Paul Ryan, Speaker, United States House of Representatives; Kevin McCarthy, Majority Leader, United States House of Representatives; Nancy Pelosi, Minority Leader, United States House of Representatives; Colorado’s congressional delegation; the Syrian American Council; the African Community Center of Denver; Lutheran Family Services; the Colorado Coalition for Genocide Awareness and Action; the Congressional Prayer Caucus Foundation; the St. Rafka Mission of Hope and Mercy; former Colorado State Senator Thomas J. Wiens; Peter Boyles; and Father Andre Y. Mahanna.

POM-212. A resolution adopted by the Senate of the Commonwealth of Massachusetts calling on the United States Congress to consider nationwide adoption of Massachusetts firearms laws; to the Committee on the Judiciary.

RESOLUTIONS

Whereas, on the most recent scorecard of state gun laws prepared by the Law Center to prevent gun violence, the Commonwealth received the highest letter grade awarded, an A-, and ranked fifth overall in the country; and

Whereas, the Violence Policy Center reports that the Commonwealth has the third lowest gun death rate in the nation; and

Whereas, shootings in Orlando, Florida, Charleston, South Carolina, Newtown, Connecticut and Aurora, Colorado have sparked a national debate on gun violence prevention; and

Whereas, progress by the Commonwealth to reduce gun deaths is unsupported by states with less rigorous standards and by a

lack of a clear, uniform, and sensible national reform; and

Whereas, it is in the interest of all who reside in the Commonwealth to ensure that our existing laws are enforced and not undercut by neighboring states; Now therefore be it

Resolved, That the Massachusetts Senate calls upon the leadership of the United States House of Representatives and the United States Senate to carefully examine and consider for adoption the model set forth in current Massachusetts firearms law; and be it further

Resolved, That a copy of these resolutions be transmitted forthwith by the Clerk of the Senate to the Speaker and Minority Leader of the United States House of Representatives, to the Majority Leader and Minority Leader of the United States Senate and to the Massachusetts Congressional Delegation.

POM-213. A joint resolution adopted by the Legislature of the State of Oklahoma urging the Congress of the United States, pursuant to Article V of the United States Constitution, to call a convention of the states for the purpose of proposing amendments to the United States Constitution related to balancing the federal budget, imposing fiscal restraints on the federal government, limiting the power and jurisdiction of the federal government, and limiting the terms of office for its officials and for members of Congress; to the Committee on the Judiciary.

SENATE JOINT RESOLUTION NO. 4

Whereas, the founders of the Constitution of the United States, through the enactment of Article V, empowered state legislators to be guardians of liberty against future abuses of power by the federal government; and

Whereas, the federal government has created a crushing national debt through improper and imprudent spending; and

Whereas, the federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, most of which are unfunded to a great extent; and

Whereas, the federal government has ceased to live under a proper interpretation of the Constitution of the United States; and

Whereas, it is the solemn duty of the states to protect the liberty of our people, particularly for the generations to come, by proposing amendments to the Constitution of the United States through a convention of the states under Article V of the United States Constitution to place clear restraints on these and related abuses of power; and

Whereas, the citizens of the State of Oklahoma believe that it is in the best interest of the people of the United States to amend the United States Constitution in order to adopt a balanced budget amendment and to address the areas of overreach of the federal government; and

Whereas, as early as 1976, the Thirty-fifth Oklahoma Legislature enacted House Joint Resolution No. 1049, calling for an Article V Convention for the purpose of preparing and submitting to the states an amendment “requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenue for that fiscal year”; and

Whereas, the Thirty-fifth Oklahoma Legislature acknowledged in House Joint Resolution No. 1049 the critical need for a federal balanced budget amendment with the prophetic statement “believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our nation, we firmly believe that constitutional restraint

is necessary to bring the fiscal discipline needed to restore fiscal responsibility"; and

Whereas, pursuant to the provisions of Article V of the Constitution of the United States, each state may request Congress to provide for a convention to propose amendments. Now, therefore, be it

Resolved by the Senate and the House of Representatives of the 2nd Session of the 55th Oklahoma Legislature:

Section 1. The Oklahoma Legislature hereby makes two separate applications to Congress, under the provisions of Article V of the Constitution of the United States. The first such application is set forth in Sections 2 through 5 of this resolution. The second such application is set forth in Sections 6 through 9 of this resolution.

Section 2. The Oklahoma Legislature hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing an amendment to the Constitution of the United States requiring that in the absence of a national emergency the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year, together with any related and appropriate fiscal restraints.

Section 3. The Secretary of State is hereby directed to transmit copies of this application to the President and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives and members of the United States Senate and House of Representatives from this state; also to transmit copies hereof to the presiding officers of the legislative houses in several states, requesting their cooperation.

Section 4. This application is to be considered as covering the same subject matter as the presently outstanding balanced budget applications from other states, including, but not limited to, previously adopted applications from Alabama, Alaska, Arkansas, Colorado, Delaware, Florida, Georgia, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, Texas, Utah and West Virginia; and this application shall be aggregated with same for the purpose of attaining the two-thirds (⅔) of states necessary to require the calling of a convention, but shall not be aggregated with any applications on any other subject.

Section 5. This application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds (⅔) of the several states have made applications on the same subject, or until December 31, 2023, whichever occurs earlier. It supersedes all previous applications by this Legislature on the same subject.

Section 6. The Legislature of the State of Oklahoma hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing amendments to the United States Constitution that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress.

Section 7. This application shall be aggregated with the applications of Georgia (SR736, 2014), Florida (SM476, 2014), Alaska (HJR22, 2014), Alabama (HJR112, 2015), Tennessee (SJR67, 2016) and Indiana (SJR14, 2016) together with any future applications for a convention for the specific and exclusive purpose of proposing amendments to the Constitution of the United States limited to the purposes stated herein.

Section 8. The Secretary of State is hereby directed to transmit copies of this application to the President and Secretary of the United States Senate and to the Speaker and Clerk of the United States House of Representatives, to transmit copies to the members of the United States Senate and United States House of Representatives from this state, and to transmit copies hereof to the presiding officers of each of the legislative houses in the several states, requesting their cooperation.

Section 9. This application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds (⅔) of the several states have made applications on the same subject, or until December 31, 2023, whichever occurs earlier.

POM-214. A resolution adopted by the Mayor and City Commission of the City of Miami Beach, Florida, urging the United States Food and Drug Administration (FDA) to repeal its prohibition on men who have had sex with men within 12 months from donating blood; to the Committee on Health, Education, Labor, and Pensions.

POM-215. A petition from a citizen of the State of Texas relative to an amendment to the United States Constitution; to the Committee on the Judiciary.

REPORTS OF COMMITTEES DURING ADJOURNMENT

Under the authority of the order of the Senate of September 29, 2016, the following reports of committees were submitted on October 27, 2016:

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 2418. A bill to authorize the Secretary of Homeland Security to establish university labs for student-developed technology-based solutions for countering online recruitment of violent extremists (Rept. No. 114-365).

S. 1526. A bill to amend title 10 and title 41, United States Code, to improve the manner in which Federal contracts for construction and design services are awarded, to prohibit the use of reverse auctions for design and construction services procurements, to amend title 31 and 41, United States Code, to improve the payment protections available to construction contractors, subcontractors, and suppliers for work performed, and for other purposes (Rept. No. 114-366).

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1717. A bill to amend title 46, United States Code, to exempt old vessels that only operate within inland waterways from the fire-retardant materials requirement if the owners of such vessels make annual structural alterations to at least 10 percent of the areas of the vessels that are not constructed of fire-retardant materials (Rept. No. 114-367).

S. 1916. A bill to include skilled nursing facilities as a type of health care provider under section 254(h) of the Communications Act of 1934 (Rept. No. 114-368).

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2325. A bill to require the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, to establish a constituent-driven program to provide a digital information platform capable of efficiently

integrating coastal data with decision-support tools, training, and best practices and to support collection of priority coastal geospatial data to inform and improve local, State, regional, and Federal capacities to manage the coastal region, and for other purposes (Rept. No. 114-369).

S. 1551. A bill to provide for certain requirements relating to the Internet Assigned Numbers Authority stewardship transition.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1490. A bill to establish an advisory office within the Bureau of Consumer Protection of the Federal Trade Commission to prevent fraud targeting seniors, and for other purposes (Rept. No. 114-370).

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2219. A bill to require the Secretary of Commerce to conduct an assessment and analysis of the outdoor recreation economy of the United States, and for other purposes (Rept. No. 114-371).

S. 3088. A bill to provide a deadline for compliance with an alternate safety compliance program and for other purposes (Rept. No. 114-372).

By Mr. BARRASSO, from the Committee on Indian Affairs, without amendment:

S. 2564. A bill to modernize prior legislation relating to Dine College (Rept. No. 114-373).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. STABENOW (for herself and Mr. PETERS):

S. 2. A bill to authorize the award of the Medal of Honor to James C. McCloughan for acts of valor during the Vietnam War; to the Committee on Armed Services.

By Mrs. CAPITO:

S. 3. A bill to amend the Internal Revenue Code of 1986 to provide additional new markets tax credits for distressed coal communities; to the Committee on Finance.

By Mr. BOOZMAN (for himself, Mr.

DONNELLY, Mrs. CAPITO, Mr. COTTON, Mr. KING, Mr. TILLIS, Mr. WICKER, Mr. KIRK, Ms. AYOTTE, Mr. INHOFE, Mr. HATCH, and Mr. BURR):

S.J. Res. 40. A joint resolution approving the location of a memorial to commemorate and honor the members of the Armed Forces that served on active duty in support of Operation Desert Storm or Operation Desert Shield; to the Committee on Energy and Natural Resources.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S.J. Res. 41. A joint resolution proposing an amendment to the Constitution of the United States to abolish the electoral college and to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 217

At the request of Mr. BLUMENTHAL, the name of the Senator from Maine

(Mr. KING) was added as a cosponsor of S. 217, a bill to protect a woman's right to determine whether and when to bear a child or end a pregnancy by limiting restrictions on the provision of abortion services.

S. 578

At the request of Ms. COLLINS, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 578, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 624

At the request of Mr. BROWN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 624, a bill to amend title XVIII of the Social Security Act to waive co-insurance under Medicare for colorectal cancer screening tests, regardless of whether therapeutic intervention is required during the screening.

S. 689

At the request of Mr. THUNE, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 689, a bill to provide protections for certain sports medicine professionals who provide certain medical services in a secondary State.

S. 987

At the request of Mr. WYDEN, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 987, a bill to amend the Internal Revenue Code of 1986 to allow deductions and credits relating to expenditures in connection with marijuana sales conducted in compliance with State law.

S. 1010

At the request of Mr. MANCHIN, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 1010, a bill to amend the Securities Exchange Act of 1934 to exempt from registration brokers performing services in connection with the transfer of ownership of smaller privately held companies.

S. 1085

At the request of Mrs. MURRAY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1085, a bill to expand eligibility for the program of comprehensive assistance for family caregivers of the Department of Veterans Affairs, to expand benefits available to participants under such program, to enhance special compensation for members of the uniformed services who require assistance in everyday life, and for other purposes.

S. 1139

At the request of Ms. KLOBUCHAR, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1139, a bill to amend the Help America Vote Act of 2002 to require States to provide for same day registration.

S. 1302

At the request of Mr. TESTER, the names of the Senator from North Dakota (Ms. HEITKAMP) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 1302, a bill to amend the Family and Medical Leave Act of 1993 to provide leave because of the death of a son or daughter.

S. 1512

At the request of Mr. CASEY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1512, a bill to eliminate discrimination and promote women's health and economic security by ensuring reasonable workplace accommodations for workers whose ability to perform the functions of a job are limited by pregnancy, childbirth, or a related medical condition.

S. 1679

At the request of Mr. HELLER, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S. 1679, a bill to amend the Flood Disaster Protection Act of 1973 to require that certain buildings and personal property be covered by flood insurance, and for other purposes.

S. 1715

At the request of Mr. HOEVEN, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 1715, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 400th anniversary of the arrival of the Pilgrims.

S. 2031

At the request of Mr. BARRASSO, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2031, a bill to reduce temporarily the royalty required to be paid for sodium produced on Federal lands, and for other purposes.

S. 2033

At the request of Mr. SCHATZ, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2033, a bill to provide that 6 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes.

S. 2175

At the request of Mr. TESTER, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 2175, a bill to amend title 38, United States Code, to clarify the role of podiatrists in the Department of Veterans Affairs, and for other purposes.

S. 2216

At the request of Ms. COLLINS, the name of the Senator from Arizona (Mr. FLAKE) was added as a cosponsor of S. 2216, a bill to provide immunity from suit for certain individuals who disclose potential examples of financial exploitation of senior citizens, and for other purposes.

S. 2253

At the request of Mr. BLUMENTHAL, the name of the Senator from Michigan (Ms. STABENOW) was added as a cospon-

sor of S. 2253, a bill to amend title 38, United States Code, to provide veterans affected by closures of educational institutions certain relief and restoration of educational benefits, and for other purposes.

S. 2275

At the request of Ms. KLOBUCHAR, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2275, a bill to provide for automatic acquisition of United States citizenship for certain internationally adopted individuals, and for other purposes.

S. 2332

At the request of Mr. SCHUMER, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2332, a bill to amend the National Child Protection Act of 1993 to establish a permanent background check system.

S. 2346

At the request of Mr. NELSON, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2346, a bill to amend the Internal Revenue Code of 1986 to temporarily allow expensing of certain costs of replanting citrus plants lost by reason of casualty.

S. 2424

At the request of Mr. PORTMAN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2424, a bill to amend the Public Health Service Act to reauthorize a program for early detection, diagnosis, and treatment regarding deaf and hard-of-hearing newborns, infants, and young children.

S. 2427

At the request of Mr. SCHUMER, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 2427, a bill to prohibit discrimination against individuals with disabilities who need long-term services and supports, and for other purposes.

S. 2595

At the request of Mr. CRAPO, the names of the Senator from Massachusetts (Ms. WARREN) and the Senator from West Virginia (Mrs. CAPITO) were added as cosponsors of S. 2595, a bill to amend the Internal Revenue Code of 1986 to permanently extend the railroad track maintenance credit.

S. 2679

At the request of Ms. KLOBUCHAR, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2679, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish within the Department of Veterans Affairs a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of health conditions relating to exposure to burn pits.

S. 2748

At the request of Ms. BALDWIN, the names of the Senator from Colorado (Mr. BENNET) and the Senator from

Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 2748, a bill to amend the Public Health Service Act to increase the number of permanent faculty in palliative care at accredited allopathic and osteopathic medical schools, nursing schools, social work schools, and other programs, including physician assistant education programs, to promote education and research in palliative care and hospice, and to support the development of faculty careers in academic palliative medicine.

S. 2782

At the request of Mr. BLUNT, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2782, a bill to amend the Public Health Service Act to provide for the participation of pediatric subspecialists in the National Health Service Corps program, and for other purposes.

S. 2912

At the request of Mr. JOHNSON, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 2912, a bill to authorize the use of unapproved medical products by patients diagnosed with a terminal illness in accordance with State law, and for other purposes.

S. 2932

At the request of Mr. CASSIDY, the names of the Senator from Maine (Mr. KING) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 2932, a bill to amend the Controlled Substances Act with respect to the provision of emergency medical services.

S. 2934

At the request of Mr. SCHUMER, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 2934, a bill to ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale.

S. 2957

At the request of Mr. NELSON, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from California (Mrs. FEINSTEIN) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 2957, a bill to require the Secretary of the Treasury to mint commemorative coins in recognition of the 50th anniversary of the first manned landing on the Moon.

S. 3042

At the request of Mr. BLUMENTHAL, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3042, a bill to amend title 38, United States Code, to clarify the scope of procedural rights of members of the uniformed services with respect to their employment and reemployment rights, and for other purposes.

S. 3043

At the request of Ms. KLOBUCHAR, the name of the Senator from North Caro-

lina (Mr. TILLIS) was added as a cosponsor of S. 3043, a bill to direct the Secretary of Veterans Affairs to carry out a pilot program establishing a patient self-scheduling appointment system, and for other purposes.

S. 3111

At the request of Mr. PORTMAN, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 3111, a bill to amend the Internal Revenue Code of 1986 to extend the 7.5 percent threshold for the medical expense deduction for individuals age 65 or older.

S. 3115

At the request of Mr. WICKER, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 3115, a bill to amend the Public Health Service Act with respect to a national pediatric research network.

S. 3124

At the request of Mrs. ERNST, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of S. 3124, a bill to require U.S. Immigration and Customs Enforcement to take into custody certain aliens who have been charged in the United States with a crime that resulted in the death or serious bodily injury of another person, and for other purposes.

S. 3130

At the request of Mr. MARKEY, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 3130, a bill to amend title XVIII of the Social Security Act to provide for a permanent Independence at Home medical practice program under the Medicare program.

S. 3162

At the request of Mr. REED, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from New Mexico (Mr. HEINRICH) were added as cosponsors of S. 3162, a bill to provide for the consideration of energy storage systems by electric utilities as part of a supply side resource process, and for other purposes.

S. 3179

At the request of Ms. HEITKAMP, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 3179, a bill to amend the Internal Revenue Code of 1986 to improve and extend the credit for carbon dioxide sequestration.

S. 3183

At the request of Mr. SCHUMER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3183, a bill to prohibit the circumvention of control measures used by Internet ticket sellers to ensure equitable consumer access to tickets for any given event, and for other purposes.

S. 3198

At the request of Mr. HATCH, the names of the Senator from Georgia (Mr. PERDUE), the Senator from Maryland (Mr. CARDIN) and the Senator from

Michigan (Mr. PETERS) were added as cosponsors of S. 3198, a bill to amend title 38, United States Code, to improve the provision of adult day health care services for veterans.

S. 3203

At the request of Ms. MURKOWSKI, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 3203, a bill to provide for economic development and access to resources in Alaska, and for other purposes.

S. 3240

At the request of Mr. ENZI, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 3240, a bill to prohibit the use of premiums paid to the Pension Benefit Guaranty Corporation as an offset for other Federal spending.

S. 3281

At the request of Mr. REID, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 3281, a bill to extend the Iran Sanctions Act of 1996.

S. 3295

At the request of Mr. CORNYN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 3295, a bill to authorize the Secretary of Homeland Security to work with cybersecurity consortia for training, and for other purposes.

S. 3304

At the request of Mr. BLUMENTHAL, his name was added as a cosponsor of S. 3304, a bill to direct the Secretary of Veterans Affairs to improve the Veterans Crisis Line.

At the request of Mr. THUNE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3304, *supra*.

S. 3328

At the request of Mr. BLUMENTHAL, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Maryland (Mr. CARDIN) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 3328, a bill to amend title 38, United States Code, to reform the rights and processes relating to appeals of decisions regarding claims for benefits under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

S. 3348

At the request of Mr. WYDEN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3348, a bill to amend the Federal Election Campaign Act of 1971 to require candidates of major parties for the office of President to disclose recent tax return information.

S. 3369

At the request of Mr. MCCAIN, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. 3369, a bill to amend section 2709 of title 18, United States Code, to clarify that the Government may obtain a specified set of electronic communication transactional records under that section, and to make permanent the

authority for individual terrorists to be treated as agents of foreign powers under the Foreign Intelligence Surveillance Act of 1978.

S. 3371

At the request of Mr. WYDEN, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 3371, a bill to amend titles II, XVIII, and XIX of the Social Security Act to improve the affordability and enrollment procedures of the Medicare program, and for other purposes.

S. 3391

At the request of Mr. REED, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3391, a bill to reauthorize the Museum and Library Services Act.

S. 3421

At the request of Mr. BLUMENTHAL, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 3421, a bill to require air carriers to provide all flight attendants with scheduled rest periods of at least 10 consecutive hours between duty periods and to comply with fatigue management plans for flight attendants that have been approved by the Federal Aviation Administration.

S. 3431

At the request of Mrs. GILLIBRAND, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3431, a bill to coordinate and advance fibrosis research activities at the National Institutes of Health, and for other purposes.

S. 3436

At the request of Mr. RUBIO, the names of the Senator from Montana (Mr. DAINES) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 3436, a bill to prevent proposed regulations relating to restrictions on liquidation of an interest with respect to estate, gift, and generation-skipping transfer taxes from taking effect.

S. 3441

At the request of Mrs. GILLIBRAND, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. 3441, a bill to provide for the vacating of certain convictions and expungement of certain arrests of victims of human trafficking.

S. 3464

At the request of Mr. ALEXANDER, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 3464, a bill to provide incremental increases to the salary threshold for exemptions for executive, administrative, professional, outside sales, and computer employees under the Fair Labor Standards Act of 1938, and for other purposes.

S. RES. 537

At the request of Mr. RUBIO, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. Res. 537, a resolution expressing pro-

found concern about the ongoing political, economic, social and humanitarian crisis in Venezuela, urging the release of political prisoners, and calling for respect of constitutional and democratic processes.

S. RES. 590

At the request of Mr. WYDEN, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Virginia (Mr. KAINE), the Senator from Massachusetts (Mr. MARKEY), the Senator from Hawaii (Mr. SCHATZ) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. Res. 590, a resolution commemorating 100 years of health care services provided by Planned Parenthood.

S. RES. 612

At the request of Mr. REED, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. Res. 612, a resolution recognizing the Weatherization Assistance Program during its 40th anniversary year for its history of reducing the energy costs of families with low incomes, making low-income households healthier and safer, positively impacting the environment, and supporting jobs and new technology.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on November 15, 2016, at 5:30 p.m., in the President's Room of the Capitol.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for the 2016 third quarter Mass Mailing report is Tuesday, October 25, 2016. An electronic option is available on Webster that will allow forms to be submitted via a fillable pdf document. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations or negative reports can be submitted electronically or delivered to the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510-7116.

The Senate Office of Public Records is open from 9:00 a.m. to 5:00 p.m. For further information, please contact the Senate Office of Public Records at (202) 224-0322.

NOTICE OF ADOPTED RULEMAKING

Mr. HATCH. Mr. President, I ask unanimous consent that the attached documentation from the Office of Compliance be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
OFFICE OF COMPLIANCE,

Washington, DC, November 15, 2016.

Hon. ORRIN G. HATCH,
President Pro Tempore of the U.S. Senate,
Washington, DC.

DEAR MR. PRESIDENT: Section 303 of the Congressional Accountability Act of 1995 (CAA), 2 U.S.C. 1383, requires that, with regard to the amendment of the rules governing the procedures of the Office, the Executive Director "shall, subject to the approval of the Board [of Directors], adopt rules governing the procedures of the Office" and "[u]pon adopting rules . . . shall transmit notice of such action together with a copy of such rules to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day of which both Houses are in session following such transmittal."

Having published a general notice of proposed rulemaking in the Congressional Record on September 9, 2014, provided a comment period of at least 30 days after publication of such notice, and obtained the approval of the Board of Directors for the adoption of these rules as required by Section 303(a) and (b) of the CAA, 2 U.S.C. 1383(a) and (b), I am transmitting the attached Amendments to the Procedural Rules of the Office of Compliance to the President Pro Tempore of the United States Senate for publication in the Senate section of the Congressional Record on the first day on which both Houses are in session following the receipt of this transmittal. In accordance with Section 303(b) of the CAA, these amendments to the Procedural Rules shall be considered issued by the Executive Director and in effect as of the date on which they are published in the Congressional Record.

Any inquiries regarding this notice should be addressed to Barbara J. Sapin, Executive Director of the Office of Compliance, Room LA-200, 110 2nd Street, S.E., Washington, DC 20540.

Sincerely,

BARBARA J. SAPIN,
Executive Director,
Office of Compliance.

FROM THE EXECUTIVE DIRECTOR OF
THE OFFICE OF COMPLIANCE

NOTICE OF ADOPTED RULEMAKING ("NARM"),

ADOPTED AMENDMENTS TO THE RULES OF PROCEDURE, NOTICE OF ADOPTED RULEMAKING, AS REQUIRED BY 2 U.S.C. §1383, THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995, AS AMENDED ("CAA").

INTRODUCTORY STATEMENT

On September 9, 2014, a Notice of Proposed Amendments to the Procedural Rules of the Office of Compliance ("Office" or "OOC"), as amended in June 2004 ("2004 Procedural Rules" or "2004 Rules") was published in the Congressional Record at S5437, and H7372. As required under the Congressional Accountability Act of 1995 ("Act") at section 303(b) (2 U.S.C. 1383(b)), a 30 day period for comments from interested parties followed. In response to the Notice of Proposed Rulemaking, the Office received a number of comments regarding the proposed amendments. Specifically, the Office received comments from the Committee on House Administration, the Office of the Senate Chief Counsel for Employment, the U.S. Capitol Police, the Architect

of the Capitol, and the U.S. Capitol Police Labor Committee.

The Executive Director and the Board of Directors of the Office of Compliance have reviewed all comments received regarding the Notice, have made certain additional changes to the proposed amendments in response thereto, and herewith issue the final Amended Procedural Rules (Rules) as authorized by section 303(b) of the Act, which states in part: "Rules shall be considered issued by the Executive Director as of the date on which they are published in the Congressional Record." See, 2 U.S.C. 1383(b).

These Procedural Rules of the Office of Compliance may be found on the Office's web site: www.compliance.gov.

Supplementary Information: The Congressional Accountability Act of 1995 (CAA), PL 104-1, was enacted into law on January 23, 1995. The CAA applies the rights and protections of 13 federal labor and employment statutes to covered employees and employing offices within the Legislative Branch of Government. Section 301 of the CAA (2 U.S.C. 1381) established the Office of Compliance as an independent office within that Branch. Section 303 (2 U.S.C. 1383) directed that the Executive Director, as the Chief Operating Officer of the agency, adopt rules of procedure governing the Office of Compliance, subject to approval by the Board of Directors of the Office of Compliance. The rules of procedure generally establish the process by which alleged violations of the laws made applicable to the Legislative Branch under the CAA will be considered and resolved. The rules include procedures for counseling, mediation, and election between filing an administrative complaint with the Office of Compliance or filing a civil action in U.S. District Court. The rules also include the procedures for processing Occupational Safety and Health investigations and enforcement, as well as the process for the conduct of administrative hearings held as the result of the filing of an administrative complaint under all of the statutes applied by the Act, for appeals of a decision by a Hearing Officer to the Board of Directors of the Office of Compliance, and for the filing of an appeal of a decision by the Board of Directors to the United States Court of Appeals for the Federal Circuit. The rules also contain other matters of general applicability to the dispute resolution process and to the operation of the Office of Compliance.

The Office's response and discussion of the comments is presented below:

Discussion

SUBPART A—GENERAL PROVISIONS OF THE RULES

There were a number of comments submitted in reference to the proposed amendments made to Subpart A, General Provisions of the Rules. With respect to the amendments to the Filing and Computation of Time under section 1.03(a), one commenter noted that the provisions allowing the Board, Hearing Officer, Executive Director and General Counsel to determine the method by which documents may be filed in a particular proceeding "in their discretion" are overly broad. The commenter also requested clarification on whether there would be different methods used for filing in the same case, whether five (5) additional days would be added regardless of the type of service, and whether the OOC would inform the opposing party of the prescribed dates for a response.

The Office does not find as overly broad the amendment allowing the Board, Hearing Officer, Executive Director, and General Counsel the discretion to determine the method by which documents may be filed. The 2004 version of these Rules, as well as

the CAA, confer the Office and independent Hearing Officers with wide discretion in conducting hearings and other processes. The Office further finds that there is no need to clarify whether different methods can be used in the same case, as long as whatever method chosen is made clear to parties. Finally, as the Rules are clear that five additional days will be added when documents are served by mail, the Office does not believe that it is necessary to include a requirement that the OOC inform parties of the specific dates that are required for response. That information can be ascertained from information on the method of filing.

As the OOC has indicated that it intends to move toward electronic filing, one commenter voiced support for the Office's decision to permit parties to file electronically. However, the commenter indicated that it would be beneficial for the proposed Rules to contain procedures for storing electronic material in a manner that will protect confidentiality and ensure compliance with section 416 of the CAA.

The Office routinely handles all materials in a secure and confidential manner, regardless of the format. Because the Office's confidential document management is covered in its own standard operating procedures, there is no need to include those procedures in these Rules.

Section 1.03(a)(2)(ii) of the Proposed Rules provided that documents other than requests for mediation that are mailed were deemed to be filed on the date of their postmark. However, mailed requests for mediation were to be deemed filed on the date they were received in the Office. (1.03(a)(2)(i)) This was a proposed change to the Rules that had established the date of filing for requests for mediation and complaints as the date when they were received in the Office. One commenter asserted that in changing the date of filing for complaints served by mail from the date received in the Office to the date of the postmark, the rules gave a covered employee an additional five days to file an OOC complaint. Upon review of all comments, the Office has determined that, because mail delivery on the Capitol campus is irregular due to security measures, it is best to use the date of postmark as the date of filing. This will ensure that all filings that under ordinary circumstances would be timely would not be deemed untimely because of any delay in mail delivery on the Hill. This includes the filing of a request for mediation, which will be deemed received in the Office as the date of postmark. In using the postmark as the date of filing for all mailed documents, the Office sees no advantage gained in one method of filing over the other, but rather views this as a way of curtailing any disadvantage to those who use mail for filing at a time when there are often significant delays in mail delivery to offices on the Hill.

In sections 1.03(a)(3) and (4) of the Proposed Rules, the Office changed the filing deadline for fax and electronic submissions from 5:00 pm Eastern Time on the last day of the applicable filing period to 11:59 pm Eastern Time on the last day of the applicable filing period. One commenter noted that while submissions under section 1.03(a)(3) require in person hand delivery by 5:00 p.m., this deadline is inconsistent with the 11:59 p.m. deadline required for faxed and electronically filed documents. The commenter stated that the filing deadlines should be the same for all types of delivery and receipt options.

This is not an unusual situation. Often there are different filing deadlines, depending on the mode of delivery. However, to ensure consistency, the Office has changed the language so that the same time will be used for filing all documents coming into the Office.

Under Proposed Rule section 1.03(a)(4), commenters noted that there was ambiguity regarding email time display and one commenter proposed the addition of a new rule requiring prompt acknowledgement of the receipt of an emailed document to ensure that it has been received by the parties.

In view of this comment, the Office added language to the Adopted Rules, providing that when the Office serves a document electronically, the service date and time will be based on the document's timestamp information. No further change is necessary. Confirmation of the transmittal of a document can be shown from the date and timestamp on the email, which is typically more reliable than a recipient's acknowledgment.

One commenter noted that under Proposed Rule section 1.03(c), there should be some way of notifying parties when the Office is "officially closed for business." The Office determined that it is not necessary to include in the Procedural Rules how the Office will notify parties of closures. The Office generally follows the Office of Personnel Management closure policy with respect to inclement weather and other official government closures. Further, information on the Office's closures appears on the Office's website at www.compliance.gov and is provided on the Office's mainline at 202.724.9250.

In response to the proposed changes to the new section 1.06 (formerly section 1.04) in the Proposed Rules, several commenters indicated that while records of Hearing Officers may be made public if required for the purposes of judicial review under Section 407, the Procedural Rules do not address circumstances where records are also necessary for purposes of civil action review under section 408 for *res judicata* purposes.

After review of these comments, the Office believes that this concern is adequately addressed in the Adopted Rules. Section 1.08(d), includes a broader statement concerning the appropriate use of records in other proceedings, and allows the submission of a Hearing Officer's decision in another proceeding, as long as the requirements in section 1.08(d) are met. Nothing in these Rules prohibits a party or its representative from disclosing information obtained in confidential proceedings when it is reasonably necessary to investigate claims, ensure compliance with the Act or prepare a prosecution or defense. While section 1.08(d) does allow for the submission of Hearing Officer decisions under the appropriate circumstances, it also serves to preserve the confidentiality of these records. Thus, the party making the disclosure shall take all reasonably appropriate steps to ensure that persons to whom the information is disclosed maintain the confidentiality of such information.

With respect to the new section 1.07, Designation of a Representative, a commenter noted that the requirement that only one person could be designated as a representative was problematic since there have been situations when more than one attorney would be needed to represent an employing office or employee. The suggestion was made that the limitations apply only to a party for point of contact purposes. As the purpose of limiting the number of designated representatives was to eliminate any confusion caused by having to serve more than one representative per party, the Office has modified the language to indicate that only one representative may be designated to receive service.

There were several comments to section 1.07(c) of the Proposed Regulations. The proposals to section 1.07(c) provided that in the event of a revocation of a designation of representative, the Executive Director, OOC General Counsel, Mediator, Hearing Officer or OOC Board has the discretion to grant a

party “additional time . . . to allow the party to designate a new representative as consistent with the Act.” The commenters noted that the CAA is a waiver of sovereign immunity that must be strictly construed and that there is no discretion to extend statutory deadlines to give a party time to designate a new representative, including time to request counseling under section 402, to request and complete mediation under section 403, to file a complaint or initiate a civil action under section 404, or to file an appeal under section 406 of the CAA. Commenters urged that the rule be modified to clarify this point.

As the adopted language notes that additional time may be granted *only as consistent with the CAA*, it should be clear that in granting any additional time to designate a new representative, the Executive Director, OOC General Counsel, Mediator, Hearing Officer or OOC Board will ensure that statutory deadlines are observed.

Deletion of the section 1.07 of the 2004 Procedural Rules, the breach of confidentiality provision, generated the most comments. Commenters generally noted that the Proposed Procedural Rules would eliminate the existing process for filing a complaint based on violation of the confidentiality provisions of section 416 of the CAA. The effect of this proposed rule change would be that, if there was a confidentiality breach, a party could obtain relief only pursuant to an “agreement” facilitated by the Mediator during the mediation period or through sanctions issued by a Hearing Officer during a section 405 proceeding (see Proposed Procedural Rules sections 2.04(k) and 7.12(b)). Commenters expressed concern that under the Proposed Rules, if an individual violated section 416 of the CAA at any other time in the process, no remedy would be available. Most commenters felt that this was inconsistent with the confidentiality requirements of the CAA, and that the Procedural Rules should include a complaint procedure for resolving independent violations of section 416. For example, one commenter noted that, under the Proposed Procedural Rules, if parties agree to a settlement during mediation, there is no remedy available to the employing office if the employee decides to publicize the terms of the settlement or any statements made during mediation. Similarly, if a covered employee never initiates a section 405 proceeding, but instead drops the matter or initiates a section 408 proceeding, the Proposed Procedural Rules would allow the employee to publicize any statements made during mediation, with no fear of sanction. The uncertainty regarding confidentiality would result in parties being less candid in mediation and, thereby, undermine it as a dispute resolution process.

Section 1.07 of the 2004 Procedural Rules, permitting the filing with the Executive Director of stand-alone complaints of violation of the confidentiality provisions, has been deleted because the OOC Board held, as a matter of statutory interpretation of the CAA, that it did not have the statutory authority to independently resolve a breach of confidentiality action brought under the Procedural Rules, without the existence of an underlying complaint under section 405 of the CAA. *Taylor v. U.S. Senate Budget Comm.* No. 10-SN-31 (CFD), 2012 WL 588440 (OOC Board Feb. 14, 2012); see *Massa v. Katz & Rickher*, No. 10-HS-59 (CFD) (OOC Board May 8, 2012) (dismissing complaint alleging breach of confidentiality on subject-matter jurisdiction grounds because the complainant “never filed a complaint [under section 405 of the CAA] against an employing office alleging violation of sections 201–207 of the CAA.”). In other words, the Board’s authority to adjudicate a breach of confidentiality

is limited to employment rights proceedings initiated by a complaint filed by a covered employee against an employing office alleging violations of laws specifically incorporated by the CAA under 2 U.S.C. §§ 1311–1317. Section 405 of the CAA, by its terms, limits the filing of a complaint to a covered employee who has completed mediation and section 406 of the CAA limits Board review to any party aggrieved by the decision of a Hearing Officer under section 405(g) of the CAA. For this reason, the Board determined that section 1.07(e) of the Procedural Rules could only apply to those orders and decisions regarding sanctions that were in a final order issued under section 405(g). While the CAA and the procedural rules mandate that parties in counseling, mediation, and hearing maintain confidentiality, there is no statutory provision within the CAA which addresses the authority of a Hearing Officer or the Board to address independent breaches of confidentiality. See 2 U.S.C. § 1416.

Other commenters noted that under *Taylor*, *supra*, the Board also appears to take the position that there is no provision in the CAA authorizing an employing office to bring a breach of confidentiality claim against a complainant. See also, *Eric J.J. Massa v. Debra S. Katz and Alexis H. Rickher*, Case No.: 10-HS-59 (CFD), (May 8, 2012) and *Taylor*. One commenter strongly disagreed with this conclusion, noting that just as the confidentiality obligations of the CAA clearly and unambiguously apply equally to employing offices and employees, so too should the ability to assert claims for breach of statutory confidentiality. The commenter asserts that a contrary reading of the statute, as appears to have been implicitly suggested in the above-referenced cases (denying employing offices the ability to bring claims for breach of confidentiality against employees), is inconsistent with the purpose and intent of the confidentiality provisions of the CAA.

Again, because under section 405 of the CAA, the filing of a complaint is limited to a covered employee who has completed counseling and mediation (and the General Counsel in limited circumstances), and there is no mechanism in the CAA for enforcement of confidentiality breaches outside of a section 405 proceeding, there is similarly no process in the CAA under which an employing office can initiate a breach of confidentiality claim that can be enforced. The Procedural Rules, however, do provide that within the context of a section 405 proceeding, an employing office may make a breach of confidentiality claim and the Hearing Officer is authorized to order a number of sanctions if a breach is found.

Comments were also made that limiting remedies for breaches of confidentiality to procedural and evidentiary sanctions was inappropriate and, that the effect of that limitation was to make the penalty for breach of confidentiality nonexistent for a complainant who chooses not to file a complaint with the OOC because no procedural or evidentiary sanctions would ever be applicable. The commenter requested that the Rules clarify that monetary damages may be awarded against both employing offices and employees for a demonstrated breach of confidentiality.

In the absence of any express authority, the Board has decided that “the Office and its Hearing Officers have the power to control and supervise proceedings conducted under Sections 402, 403, and 405 of the [CAA], and may rely on this power to impose appropriate sanctions for a breach of the [CAA’s] confidentiality requirements.” *Taylor v. U.S. Senate Budget Comm; Massa v. Katz & Rickher*. The Board has further held that a breach of the CAA’s confidentiality provisions does

not independently entitle an employee to monetary damages absent a violation of one of the “money-mandating” statutes it applies. *Office of the Architect of the Capitol v. Cienfuegos*, No. 11-AC-138 (CV, RP), 2014 WL 7139940, *n.1 (OOC Board Dec. 11, 2014). The Board’s authority is therefore limited to deciding breaches of confidentiality during the pendency of a complaint filed pursuant to section 405 of the CAA, and the Adopted Rules so provide.

Further, as to the deletion of section 1.07(d), covering contents or records of confidential proceedings, the comments noted that mediation does not bestow confidentiality to facts or evidence that exist outside of mediation and the language needs the significant qualification that currently exists in section 1.07(d) (“ . . . A participant is free to disclose facts and other information obtained from any source outside of the confidential proceedings . . .”). The commenter recommended that the entire language of section 1.07(d) of the 2004 Procedural Rules be retained in the new Rules.

The Office agrees that including the current section 1.07(d) in the Adopted Rules (now in the Adopted Rules as section 1.08(e)) would give appropriate guidance on the contents and records of confidential proceedings.

There were multiple comments concerning the confidentiality provisions in section 1.08 of the Proposed Rules. One such comment noted that “communications between attorneys and clients should never amount to a confidentiality breach absent a protective order”; yet, with the deletion of the “Breach of Confidentiality Provisions” section, there is no timeframe listed for when a party can claim a confidentiality breach. Commenters urged the OOC to reinstitute the previous requirement. Because of the Board rulings limiting the authority of the Board to review a breach of confidentiality claim outside of a section 405 proceeding, there does not need to be a timeframe for a party to claim the breach. The claim would have to occur during the section 405 proceeding itself. Because circumstances would differ in each case, setting a time frame for a breach of confidentiality should be left up to the Hearing Officer and the OOC Board of Directors.

Commenters noted that section 1.08(c) was also inconsistent because it prohibits disclosure of a written or oral communication that is prepared for the purpose of, or occurs during, counseling. The most important document that allows for the preparation of a defense to a claim is the formal request for counseling. That written document is necessary to identify the claims that a Complainant has properly exhausted under the CAA. Some commenters requested that the Office provide the employing office with the request for counseling.

Counseling is to be strictly confidential, therefore, the request itself will not be provided to other parties by the Office. As the Circuit Court for the District of Columbia noted in *Blackmon-Malloy v. U.S. Capitol Police Bd.*, 575 F.3d 699, 713 (D.C. Cir. 2009), “Congress’s inclusion of provisions requiring the Office to issue written notices of the end of counseling and the end of mediation must be read in light of the provisions on confidentiality. Those provisions, sections 1416(a) and (b), provide that counseling and mediation, respectively, shall be strictly confidential.” 2 U.S.C. § 1416(a) & (b). *Blackmon-Malloy v. U.S. Capitol Police Bd.*, 575 F.3d 699, 711 (D.C. Cir. 2009). The court noted that, “nothing in the CAA suggests Congress intended courts to engage in a mini-trial on the content of the counseling and mediation sessions, an inquiry that would be fraught with problems. . . . Congress expressly limited the ability of the court to review the

substance of compliance with these processes.” *Blackmon-Malloy v. U.S. Capitol Police Bd.*, 575 F.3d at 711.

One commenter objected to section 1.08(d) of the Proposed Rules, noting that mediators should not be able to discuss substantive matters from mediation with the Office. The commenter noted that to permit mediators to consult with the OOC regarding the substance of the mediation violates the principle that “[a]ll mediation shall be strictly confidential,” 2 U.S.C. § 1416(b), and is inconsistent with the OOC’s role as a neutral. Specifically, the commenter points out that as the OOC appoints the Hearing Officer to handle the subsequent complaint, the Executive Director rules on a number of procedural issues in any subsequent case, and in view of the OOC’s adjudicative role in the complaint process, allowing the mediator to consult with the OOC regarding substantive issues related to the mediation may negatively impact the OOC’s neutrality, and/or the perception of the parties that the OOC is neutral.

The Office agrees with the commenter that under the CAA, “[a]ll mediation shall be strictly confidential.” CAA § 416(b). The confidentiality provision regarding mediation is further clarified in section 2.04(j) of the Procedural Rules, which provides that the “Office will maintain the independence of the mediation process and the mediator. No individual, who is appointed by the Executive Director to mediate, may conduct or aid in a hearing conducted under section 405 of the Act with respect to the same matter or shall be subject to subpoena or any other compulsory process with respect to the same matter.” However, the CAA requires both counseling and mediation, in part, to assist employees and employing offices in reaching an early resolution of their disputes. When a neutral mediator believes that consulting with the Office on administrative, procedural, or even substantive matters will expedite and facilitate resolution of the dispute, there is no reason for the mediator not to be able to do that. In fact, the purposes of the counseling and mediation provisions are best served if the OOC encourages the mediator to do everything he or she can to expedite resolution of the matter.

Furthermore, because Mediators are barred from serving as Hearing Officers in the same case under CAA section 403(d), there is no chance that a Mediator who consults with the Office will use that information to make a determination that will be binding upon the parties. Section 403(d) of the CAA is designed to inspire confidence in and maintain the integrity of the mediation process by encouraging the parties to be frank and forthcoming, without fear that such information may later be used against them. See, e.g., 141 Cong. Rec. S629 (January 9, 1995). In essence, if the parties know that the mediator will not be involved in investigating or determining the validity of any of the allegations being made, they may be more willing to work cooperatively with the Mediator during the mediation. This is also the theory behind a key provision of the EEOC’s ADR Policy Statement: “In order to ensure confidentiality, those who serve as neutrals for the Commission should be precluded from performing any investigatory or enforcement function related to charges with which they may have been involved. The dispute resolution process must be insulated from the investigative and compliance process.” EEOC, Notice No. 915.002 (7/17/95).

Because Mediators under the CAA are insulated from the investigative and compliance process, there is no statutory or ethical bar that would prevent them from consulting with the office if it would facilitate resolution of the dispute.

One comment also noted that the proposed rule sections 1.08(b) and (c) may be read to

allow a “participant” to publicize the fact that a covered employee has requested and/or engaged in counseling and mediation, and the fact that an individual has filed an OOC complaint. See also, 2.03(d), 2.04(b) and 5.01(h) (requiring the OOC—but not participants—to keep confidential the “invocation of mediation” and “the fact that a complaint has been filed with the [OOC] by a covered employee”). The Commenter notes that these disclosures would violate the strict confidentiality mandated by the CAA and that the proposed rule should not be adopted.

It is the opinion of the Office that the strict confidentiality mandated by the CAA applies to the discussions and content of conversations that go on in counseling, mediation, and the hearing, rather than the fact of filing of a request for counseling, invocation of mediation, or a complaint. Indeed, section 1.08(e), added back into the Adopted Rules, spells out that it is the information actually obtained in the counseling, mediation or hearing proceedings that is to be kept confidential, not necessarily the fact that a hearing or mediation is being held. Moreover, to ensure confidentiality and consistent with the *Office of Compliance Administrative and Technical Corrections Act of 2015* (PL 114-6), all participants are advised of the confidentiality requirement under the CAA.

In another comment, it was noted that the waiver provision under section 1.08(e) of the Proposed Rules was not clear and appeared to conflict with the statutory requirement of confidentiality under section 416 of the CAA. Where there is a waiver of confidentiality, it is unclear whether a waiver releases all requirements for confidentiality including making records public in proceedings, waiving the confidentiality requirements of proceedings before a Hearing Officer, and waiving the sanctions requirement under section 1.08(f). It is important that any waiver be clear as to why it would be permissible despite the language in section 416 of the CAA and how such a waiver affects documents, proceedings, and testimony. The commenter further notes that the language of the waiver does not make clear that all participants must agree to waive confidentiality and should therefore be deleted from the Rules.

The Office agrees that the waiver language in section 1.08(e) of the Proposed Rules is too confusing and not meant as a general waiver. Accordingly, the waiver language has been deleted in the Adopted Rules.

One comment noted that section 1.08(f) of the Proposed Regulations would remove the requirement that the OOC advise participants of their confidentiality obligations in a timely fashion. Section 1.06(b) of the 2004 Procedural Rules requires the OOC to provide this notification “[a]t the time that any individual... becomes a participant,” and that language is not included in Proposed Procedural Rule 1.08(f). Such early notice is critical to ensuring that CAA-mandated confidentiality is maintained and, thus, the existing rule should be retained.

The *Office of Compliance Administrative and Technical Corrections Act of 2015* (PL 114-6), requires the Executive Director to notify each person participating in mediation and in the hearing and deliberations process of the confidentiality requirement and of the sanctions applicable to any person who violates the confidentiality requirement. The Office has created notifications to be provided to participants during all phases of the administrative process, including in mediation and at hearings, and includes a statement on its request for counseling form advising that “all counseling shall be strictly confidential.” Consistent with this and in agreement with the comment, section 1.08(f) of the Adopted Rules is modified to provide

that, “[t]he Executive Director will advise all participants in mediation and hearing at the time they become participants of the confidentiality requirements of Section 416 of the Act and that sanctions may be imposed by the Hearing Officer for a violation of those requirements. No sanctions may be imposed except for good cause and the particulars of which must be stated in the sanction order.”

SUBPART B—PRE-COMPLAINT PROCEDURES APPLICABLE TO CONSIDERATION OF ALLEGED VIOLATIONS OF PART A OF TITLE II OF THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

In reviewing the change in the Proposed Rules, the Office has decided to delete the reference in section 2.03 of the 2004 Rules to an “official” form that should be used to file a formal request for counseling and has replaced it in the Adopted Rules with the following language: “Individuals wishing to file a formal request for counseling may call the Office for a form to use for this purpose.”

There were several comments to section 2.03 of the Proposed Rules. One commenter noted that the strict confidentiality provision discussed in section 2.03(d) should refer to the confidentiality provisions described in sections 2.03(e)(1)–(2) and 1.08. In addition, the commenter maintained that the words “should be used” should be deleted and replaced with the word “shall” so that the counseling period only pertains to the enumerated items.

The Office has decided to leave the language as proposed (“should be used”) to provide the most flexibility to the Counselor and employee depending on the circumstances of each case.

There were comments that section 2.03(e)(1) of the Proposed Rules was inconsistent with the requirements in section 1.08(d). The commenter noted that, for example, section 2.03(e)(1) provides that “all counseling shall be kept strictly confidential and shall not be subject to discovery.” The commenter noted that it is not clear that the Office of Compliance Procedural Rules can control the release of discoverable information in federal district court. Notwithstanding that restriction, section 2.03(e)(1) is inconsistent with the exceptions provided in section 1.08(d) which permits disclosing information obtained in confidential proceedings when reasonably necessary to investigate claims, ensure compliance with the Act or prepare its prosecution or defense.

Additional comments noted that section 2.03(e)(1) of the Proposed Rule would permit the OOC to publicize certain statistical information regarding CAA proceedings, which is consistent with section 301(h)(3) of the CAA, but the proposed rule would remove this language: “. . . so long as that statistical information does not reveal the identity of the employees involved or of employing offices that are the subject of a request for counseling.” To ensure compliance with section 416 of the CAA, the rule should specify that the OOC will not publicize this detailed information in its statistical reports.

The Office believes that the CAA’s confidentiality requirements found in section 416 of the CAA confer upon it the obligation to safeguard the confidentiality of such information. It is for that reason, the language limiting the discovery of information discussed in counseling was added. To ensure that its intention to protect the information is understood, the Office has decided to keep that language in the A Rules. Further, to preserve confidentiality of statistical information released as part of the reporting under section 301(h)(3) of the CAA, language has been put back in, indicating that statistical information will not reveal the identity

of individual employees or employing offices that are the subject of specific requests for counseling.

In addition, by way of clarification, the Office has added a reference in section 2.03(e)(2) of the Adopted Rules to section 416(a) of the CAA indicating that the employee and the Office may agree to waive confidentiality during the counseling process for the limited purpose of allowing the Office to notify the employing office of the allegations.

Noting that section 2.03(m) of the proposed rules requires the Capitol Police to enter into a Memorandum of Understanding (MOU) to permit an employee to use the Capitol Police internal grievance process, one commenter observed that there was no such requirement in section 401 of the CAA.

As the language in the proposed regulation indicates, a MOU may be necessary to address certain procedural and notification requirements. The OOC believes that the best way to work out notice and follow up details is through a MOU. However, the language does not mandate a MOU, but rather indicates that an MOU would be helpful in addressing administrative and procedural issues that could come up should the Executive Director decide to recommend that an employee use an internal process.

There were several comments noting that inclusion of “good cause” language in section 2.04(b) of the Proposed Rules would allow a covered employee additional time to file a request for mediation outside of the statutory 15-day period. The commenter asserted that there is no support for a “good cause” extension in the statute, and thus the OOC lacks authority to create such an extension in its Proposed Procedural Rules.

Typically, a final decision as to timeliness is up to the Hearing Officer and neither the Office nor the Mediator will dismiss a request for mediation where the request may be late. The intent of this amendment was to allow the Office to close the case if a request for mediation was not timely filed and make the decision not to forward for mediation. Because the 15-day time limit in which to file a request for mediation is statutory, the Office has deleted the “good cause” language from the Adopted Rules. However, a case may be closed if the request for mediation is not filed within 15 days of receipt of a Notice of the End of Counseling. In most cases, the final decision as to whether a request for mediation has been timely filed is up to the fact finder. In any event, a decision on an issue of equitable tolling would still be up to the Hearing Officer to decide.

In section 2.04(f)(2) of the Proposed Rules, language was added to the agreement to mediate that read that the Agreement to Mediate would define what is to be kept confidential during mediation. Commenters noted that everything in mediation is confidential and the statute does not permit the parties, the Mediator, or the OOC to redefine or limit what aspects of the mediation are confidential and which are not. This addition in the Proposed Rules was intended to create a contractual agreement on confidential matters. There is no question that a person can waive confidentiality. But the default in this section should be that matters are confidential unless there is a waiver, not the other way around. Therefore, this language is being deleted from the Adopted Rules.

The Office received comments on section 2.04(g) related to the procedures by some oversight committees for approving settlements. Commenters requested that the proposed change be modified to make it clear that Members of the committees need not be present for mediation, nor must they be reachable by phone during the mediation. It is understood that in some cases, an oversight committee has specific procedures for

approving settlements that might not fit exactly into the parameters established under section 2.04(g). Section 414 of the Act does provide for this. The Act states: “Nothing in this chapter shall affect the power of the Senate and the House of Representatives, respectively, to establish rules governing the process by which a settlement may be entered into by such House or by any employing office of such House.” Because this provision is set forth in the Act, it is not necessary to modify the language in section 2.04(g) of the Rules.

There were additional comments to proposed Procedural Rule 2.04(g). Commenters noted that the rule as proposed would grant the Mediator the authority to require “any party” to attend a mediation meeting in person and that there was nothing in the CAA that would give a Mediator this authority. As a general rule, Mediators do not “direct” individuals to attend mediation in person, unless the Mediator believes that a specific person’s presence would advance the mediation. However, the Office has revised the language in the Adopted Rules to indicate that the Mediator may “specifically request” a party or individual’s presence.

One commenter stated that the OOC should not alter established practice by participating in mediations, as allowed in Section 2.04(g). In response, the Office notes that as the 2004 Rules include the Office as a possible participant in mediation, the Proposed Rules did not change established practice. However, to ensure that participation by the Office does not interfere with the mediation process, the Amended Rules include language that requires the permission of the Mediator and the parties before the Office can participate in mediation. This is not meant to require permission from the parties when the Office appoints an in-house mediator. Such an appointment is left exclusively to the Executive Director.

There were several comments to section 2.04(i) of the Proposed Rules. Commenters noted that the notice of the end of mediation period should advise the employing office of the date and mode of transmission of the notice that was sent to the complainant or add a presumption to the new rule, stating that the notice is presumed to have been received on the day it is sent by facsimile or email, or within 5 calendar days if sent by first class mail.

However, the *Technical Amendments Act* modified section 404 of the CAA and established that the deadline to elect proceedings after the end of mediation was “not later than 90 days but not sooner than 30 days after the end of the period of mediation.” (Emphasis added) As this changed the deadline from the receipt of the notice of end of mediation to the end of the mediation period itself, section 2.04(i) of the Adopted Rules was changed accordingly. Section 205(a), regarding election of proceedings, was also modified to reflect the changes made by *Technical Amendments Act*.

SUBPART C—COMPLIANCE, INVESTIGATION, AND ENFORCEMENT UNDER SECTION 210 OF THE CAA (ADA PUBLIC SERVICES)—INSPECTIONS AND COMPLAINTS

In the NPRM published on September 9, 2014, the Executive Director proposed a new Subpart C of the Procedural Rules setting forth rules and procedures for the inspection, investigation and complaint provisions contained in sections 210(d) and (f) of the CAA relating to Public Services and Accommodations under Titles II and III of the Americans with Disabilities Act (ADA). On September 9, 2014, the OOC Board also published a NPRM with substantive regulations implementing Section 210 of the CAA, including sections

210(d) and (f). In response to the NPRMs, the Executive Director received comments to both the proposed ADA procedural rules and the proposed substantive regulations that were similar or substantially related. While the ADA substantive regulations have been adopted by the Board of Directors, they have not yet been approved by Congress. The Executive Director has therefore decided to withdraw the proposed procedural rules contained in Subpart C relating to section 210 of the CAA. Any future procedural rules regarding the inspection, investigation and complaint provisions contained in sections 210(d) and (f) of the CAA relating to ADA Public Services and Accommodations will be promulgated when the substantive regulations implementing section 210 of the CAA have been approved.

SUBPART D—COMPLIANCE, INVESTIGATION, ENFORCEMENT AND VARIANCE PROCESS UNDER SECTION 215 OF THE CAA (OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970)—INSPECTIONS, CITATIONS, AND COMPLAINTS

Regarding sections 4.02(a), 4.03(a) and (b), two commenters objected to defining “place of employment” as “any place where covered employees work.” The 2004 Rules referred to “places of employment under the jurisdiction of employing offices.” The language in the 2004 Procedural Rules is the same language used in section 215(c)(1) of the CAA. Section 215(c)(1) describes the authorities of the General Counsel, which are the same as those granted to the Secretary of Labor by subsections (a), (d), (e), and (f) of section 8 of the Occupational Safety and Health Act of 1970 (OSHAct) (29 U.S.C. §§ 657(a), (d), (e), and (f)). Notably, section 8(a) grants the “right to enter without delay and at reasonable times any factory, plant, establishment, construction site, or other area, workplace or environment where work is performed by an employee of an employer.” (Emphasis added). The CAA refers to the same authorities for periodic inspections as it does for requests for inspections, that is, section 215(c)(1), and therefore section 8(a) of the OSHAct. Thus, the General Counsel’s authority for periodic inspections and requests for inspections covers not only legislative branch facilities that are under the jurisdiction of employing offices, such as the Hart or Rayburn office buildings, but any place where covered employees work, such as the Architect of the Capitol’s workshop in the U.S. Supreme Court building. One commenter expressed concern this would mean the General Counsel could visit a telework employee’s home office to conduct an inspection, since the home office is where a covered employee works, but not where an employing office has “jurisdiction”. However, the General Counsel would not inspect an area and make findings that are beyond the reach of any employing office to address. The efforts in this section of the Procedural Rules are intended to more accurately reflect, rather than broaden, its authority to inspect.

One commenter objected to language in section 4.02(a) that authorizes the General Counsel to review records “maintained by or under the control of the covered entity.” The 2004 Rules refers to records “required by the CAA and regulations promulgated thereunder, and other records which are directly related to the purpose of the inspection.” The concern is that the General Counsel is imposing record-keeping requirements. However, the language does not require entities to create records or even to maintain records, but addresses the authority of the General Counsel to review records that are maintained. Further, whether a record is “directly related to the purpose of the inspection” is a matter that may be raised by

an entity whether that language is in the section or not. The General Counsel is not seeking the right to review records that have nothing to do with the inspection. Moreover, whether a record is “directly” related is not always readily apparent when a record request is first made, and the better course is to avoid misunderstandings and delays in inspections because of a debate over degrees of relatedness.

One commenter suggested inserting the words “upon notification to the appropriate employing office(s)” in section 4.02(a) after, “the General Counsel is authorized” and before, “to enter without delay and at reasonable times, . . .”. As noted above, that language is from section 8(a) of the OSHA Act. There is no requirement to provide advance notice of an inspection to employing offices but in practice the approach of the General Counsel is to provide notification well in advance. The employing offices usually provide an escort for access and assistance during the inspection. The General Counsel has even rescheduled an inspection when no escort shows. The General Counsel’s periodic inspection calendars are provided to employing offices at the beginning of each Congress and posted on the OOC’s website.

The same commenter asked the Executive Director to revise section 4.03(a)(1) to reflect the General Counsel’s practice of providing advance notice of an inspection and the scheduling of a pre-inspection opening conference. The current language requires that the General Counsel provide a copy of the notice of violation to the employing office “no later than at the time of inspection.” The commenter also asked the Executive Director to revise section 4.06(a), which states that advance notice of inspections may not be given except under the situations listed in (a)(1) through (4). The Executive Director agrees that the practice of the General Counsel has defaulted to giving advance notice, as opposed to not giving advance notice. However, flexibility is still needed to inspect without advance notice, usually for exigent circumstances. In such situations, and under the 2004 Procedural Rules, the General Counsel need not first persuade an employing office that the matter falls under an exception to advance notice.

The commenter also suggested that the Executive Director revise section 4.11 on Citations to reflect other processes used by OOC, such as the Serious Deficiency Notice and case reports, adding that the General Counsel rarely issues citations and does not issue *de minimis* violations. The commenter asked that the Executive Director change section 4.12 on Imminent Danger to include OOC’s use of the Serious Deficiency Notice; change section 4.14 to require the General Counsel to notify the employing office that it failed to correct a violation before the General Counsel files a complaint, rather than having the notification be optional; and change section 4.25 on applications for temporary variances and other relief to include the Request for Modification of Abatement process used by the General Counsel.

The suggested changes regarding notification of inspections, citations, imminent danger, notification before filing a complaint, and applications for temporary variances/requests for modification of abatement, were raised by the commenter, not in response to any changes the Executive Director proposed in the NPRM. The Executive Director is therefore reluctant to discuss them without further notice and opportunity to comment for all stakeholders. While the processes of the General Counsel that have developed since 2004 in these areas are not wholly reflected in the Procedural Rules, they are not inconsistent with the Rules or with the authorities granted to the General Counsel

under the CAA. They are examples of how the operational needs of the parties and OOC can be accommodated without first revising the Procedural Rules.

One commenter was supportive of OOC’s effort to balance the OSHA Act, which requires citations to be posted unedited and unredacted, with concern over the disclosure of security information. More specifically, the Executive Director had added the following language to section 4.13(a) on the posting of citations: “When a citation contains security information as defined in Title 2 of the U.S. Code, section 1979, the General Counsel may edit or redact the security information from the copy of the citation used for posting or may provide to the employing office a notice for posting that describes the alleged violation without referencing the security information.” However, the commenter wanted the Executive Director to go further and include other security information, such as “sensitive but unclassified” information, and to address how OOC will protect all security information it encounters during all stages of the OSH inspection process. The Executive Director does not believe the Procedural Rules are the place for setting forth OOC’s safeguards and internal handling procedures for security information. The reference to 2 U.S.C. §1979 was an effort to use an established definition of security information that applies to the Legislative Branch, rather than leaving it to the OOC to decide what is security information. A document marked as classified or sensitive but unclassified by the classifying or originating entity will be handled accordingly.

SUBPART E—COMPLAINTS

Commenters suggested deleting newly proposed language in section 5.01(b)(1) that would permit the Executive Director to return a complaint that was filed prematurely, without prejudice. The commenters asserted that the provision is unfair to employing offices and places the Executive Director in the position of giving legal advice to complainants.

The Office disagrees that allowing a complainant to cure a defect in their filing is improper, and has added language giving the Executive Director discretion to return all early filed Complaints to the complaining employee for filing within the prescribed period, and with an explanation of the applicable time limits. It is clear that no complaint will be processed until it is timely. Giving the Executive Director the discretion to return a complaint in these circumstances does not give the Executive Director the authority to process a complaint that is filed prematurely.

In comments to section 5.01(g) of the proposed regulations, commenters suggested that a respondent be permitted to file a motion to dismiss in lieu of an answer. They explained that the rule should give the Hearing Officer discretion to allow a respondent to file a motion to dismiss in lieu of an answer. Otherwise, a party will be forced to waste resources responding to a complaint that may be dismissed or significantly altered by a Hearing Officer’s ruling on the motion to dismiss. They conclude that filing a motion to dismiss should suspend the obligation to file an answer.

The Office declines to make this change in the Adopted Rules, believing that a direct response to the allegations is vital, and any party wishing to file a motion to dismiss in addition to an answer may do so. While a motion to dismiss option was added to the Proposed Procedural Rules because many stakeholders indicated that they would like to see it added, this language was not intended to replace the filing of an answer. When there is no adverse action like a re-

moval or suspension, and the claim involves harassment or retaliation, the employing office has no requirement to provide the complainant with the administrative file or investigation, and there is no requirement under the Rules that the agency provide this information before the time to answer. In those circumstances, the complainant must rely on the answer for information in order to respond. While it is in the Hearing Officer’s discretion whether to extend the time to allow the respondent to file an answer and to stay discovery while ruling on a motion to dismiss, the Office has decided to keep language requiring an answer. In hearings under the CAA, the time frames are typically very short and a requirement for respondent to answer keeps the process moving forward.

Sections 5.03(f) and (g) of the Proposed Rules were modified to allow a Hearing Officer to dismiss a complaint after withdrawal—with or without prejudice. Several commenters objected to this change. One commenter suggested such a dismissal be with prejudice only, another suggested the Board identify factors a Hearing Officer must consider when dismissing a complaint or permitting a complainant to re-file, and another suggested the language be modified to clarify that a Hearing Officer cannot expand a complainant’s time to file a complaint—and that a complaint that would otherwise be time-barred under section 404 may not be re-filed.

While it is clear that a withdrawal of a complaint with or without prejudice cannot be used to extend the statutory time frame, the Executive Director has added language to the Adopted Rules indicating that the authority of the Hearing Officer is consistent with section 404 of the CAA.

Section 5.03(h) was added in the Proposed Rules requiring a representative to provide sufficient notice to the Hearing Officer and the parties of his or her withdrawal in a matter, and clarifying that the employee will be considered *pro se* until another representative has been designated in writing. Commenters suggested that the Board define what is meant by “sufficient” notice.

The Office recognizes that with respect to the conduct of a hearing, the Hearing Officer is in the best position to determine what constitutes sufficient notice under the circumstances, and so must have flexibility in making determinations. Therefore, the Executive Director declines to make the changes as requested.

SUBPART F—DISCOVERY AND SUBPOENAS

In general, several commenters asserted that Proposed Procedural Rules sections 2.03(e)(1), 6.01(a), and 6.02(a) are invalid to the extent that they would limit the availability of OOC employees and records in the discovery process, because there is no statutory basis for this evidentiary privilege.

The Executive Director believes that the CAA’s confidentiality requirements found in section 416 of the CAA confer upon the Office the obligation to safeguard the confidentiality of such information. Accordingly, to ensure that its intention to safeguard confidential information is clear, the Executive Director declines to make any changes in the A Rules to these sections.

In the Proposed Rules section 6.01(b) language about initial disclosure was modified to specify that information, including witness lists and discovery documents, must be provided to the opposing party within 14 days of a pre-hearing conference. A commenter suggested that this rule places an unfair burden on employing offices who should not be required to turn over witness lists and discovery documents without a request.

The Office believes that, given the limited time between the filing of a complaint and

opening of the hearing, this requirement should be kept as proposed because it will promote the prompt and fair exchange of information and reduce delay in the proceedings. This process should not pose an unfair burden on employing offices because of the ready availability of the information to the employing office.

One commenter expressed concern that the changes proposed to section 6.01(c), permit the parties to engage in “reasonable prehearing discovery,” without defining what types of discovery are reasonable, or the volume of discovery that is appropriate, given the limited time involved in the process. The language in the 2004 Procedural Rules, permitting discovery only as authorized by the Hearing Officer was more equitable because the Hearing Officer had greater control over the proceedings, and better ability to prevent discovery abuses, or the use of delay tactics. Additionally, application of the Federal Rules of Civil Procedure to the types and volume of discovery may be helpful to the parties’ understanding of the process.

This comment misapprehends the Hearing Officer’s authority. Section 405(e) of the CAA provides that “[r]easonable prehearing discovery may be permitted at the discretion of the hearing officer.” The authority is therefore permissive, not restrictive. It has always been the policy of the Office to encourage early and voluntary exchange of relevant information and the Rules, as amended, allow a hearing officer to authorize discovery, but do not mandate it.

One commenter suggested that section 6.01(c)(1) be modified to state that, when a motion to dismiss is filed, discovery is stayed until the Hearing Officer has ruled on the motion.

The Executive Director declines to make this modification. As noted above, because the time frames in the hearing process are limited, requiring that discovery be stayed until there is a ruling on a motion to dismiss could take up valuable time. In any event, the Hearing Officer should have the most flexibility to make a decision to stay discovery depending on the circumstances of each case.

Section 6.01(d)(1) of the Proposed Rules provides: “A party must make a claim for privilege no later than the due date for the production of the information.” One commenter suggested that a claim for privilege belongs to a party and cannot be waived except by the party. Thus, section 6.01(d)(1) cannot place a limitation on a party’s right to assert a privilege and would be inconsistent with the inadvertent disclosure identified in section 6.01(d)(2). As an example, the commenter notes that one may have inadvertently disclosed privileged information on the last day of discovery which would require that it be returned or destroyed in accordance with section 6.01(d)(2). However, if the privilege was not asserted on the last day of discovery, the Procedural Rules would allow the opposing party to keep the inadvertently disclosed documents. Thus, by limiting the timing of the asserted privilege, a conflict is created between sections 6.01(d)(1) and 6.01(d)(2).

The Office is not attempting, by this rule, to place a limit on a party’s right to assert a privilege, but rather to ensure that if a party intends to assert a privilege it does so in a timely way. Until a privilege is asserted, the assumption is that the information is not privileged. Therefore, this rule is not inconsistent with section 6.01(d)(2) that requires that information that has been claimed as privileged and inadvertently disclosed be returned or destroyed, even if disclosed on the last day of discovery.

Section 6.02(a) was modified in the Proposed Rules to clarify that OOC employees

and service providers acting in their official capacities, and confidential case-related documents maintained by the OOC, cannot be subpoenaed. In addition, the rules clarify that employing offices must make their employees available for discovery and hearings without a subpoena. One commenter requested that an employing office only be required to make available witnesses under their control during actual work hours and work shifts on the day of the hearing and, otherwise, that subpoenas be used. Another commenter suggested the provision be revised to state: “Employing offices shall make reasonable efforts to make their management-level employees available for discovery and hearing without requiring a subpoena.”

Often, the timing and pacing of a hearing depends on the availability of witnesses. The Executive Director believes that it is important that the parties willingly commit to the hearing process to ensure the most efficient and equitable outcome possible. By requiring employing offices to make their employees available without a subpoena, the purpose of the Proposed Rule was to ensure that employees will be readily available when called as witnesses, therefore reducing the administrative burdens on the parties, the Hearing Officer, and the Office.

SUBPART G—HEARINGS

As a general comment, one commenter stated that it was unclear what authority under the CAA the Board of Directors was utilizing to authorize a Hearing Officer to issue sanctions under sections 7.02 and 7.12(b). The commenter maintained that sanctions are not authorized under the CAA and, thus, Procedural Rules incorporating substantive provisions are beyond the scope of authority permitted under the CAA. The commenter further suggested that because sanctions provisions affect the rights of the parties, they are substantive in nature and the appropriate avenue should be a substantive sanctions provision be requested is to pursue a statutory amendment to the CAA.

The Executive Director disagrees. It is clear that a Hearing Officer has the ability to use sanctions to run an orderly and proper hearing. Moreover, the CAA provides this authority. Thus, under section 405(d) of the CAA, the Hearing Officer is required to conduct the hearing in “accordance with the principles and procedures set forth in section 554 through 557 of title 5.” Specifically, under 5 U.S.C.557: “The record shall show the ruling on each finding, conclusion, or exception presented. All decisions, including initial, recommended, and tentative decisions, are a part of the record and shall include a statement of . . . the appropriate rule, order, sanction, relief, or denial thereof.” Further, under section 405(g) of the CAA, “the hearing officer shall issue a written decision [that] shall . . . contain a determination of whether a violation has occurred and order such remedies as are appropriate pursuant to subchapter II of this chapter.”

Another comment in this area pointed to section 7.02(b)(1)(G) of the 2004 Rules that authorizes a Hearing Officer to “order that the non-complying party, or the representative advising that party, pay all or part of the attorney’s fees and reasonable expenses of the other party or parties or of the Office, caused by such non-compliance, unless the Hearing Officer or the Board finds that the failure was substantially justified or that other circumstances make an award of attorney’s fees and/or expenses unjust.”

The Office notes that because section 415 of the CAA requires that only funds appropriated to an account of the Office in the Treasury may be used for the payment of awards and settlements under the CAA, this

provision has been deleted from the Adopted Rules.

Section 7.02(b)(4) of the Proposed Rules permits a Hearing Officer to dismiss a frivolous claim. One commenter suggested that this rule be modified to make it clear that, when a respondent has moved to dismiss a claim on the grounds that it is frivolous, no answer should be required to be filed and no discovery taken “unless and until the motion is denied.” Another commenter suggested that allegations that a claim is frivolous be resolved through a motion to dismiss, referenced in section 5.01(g).

As stated previously, the Executive Director is declining to delete the requirement that an answer be filed in all complaint proceedings. Moreover, the Office recognizes that a claim alleging that a matter is frivolous may always be subject to a motion to dismiss and the Hearing Officer has the discretion to move the case as appropriate. Therefore, qualifying language need not be included in these rules. In order to clarify one point, the Office has added language indicating that a Hearing Officer may dismiss a claim, *sua sponte*, for the filing of a frivolous claim.

Some commenters noted that the CAA did not authorize each of the remedies for failure to maintain confidentiality under section 7.02(b)(5). While the Hearing Officer is authorized to issue a decision under section 405, the commenters note that Congress did not authorize remedies for breach of confidentiality. Accordingly, the Board of Directors of the Office of Compliance is required to seek a statutory correction should it desire to provide remedies for breach of confidentiality. Where Congress sought to provide a remedy under the CAA, it specifically incorporated it. Compare 2 U.S.C. 1313(b), 2 U.S.C. 1314(b), 2 U.S.C. 1317(b), and 2 U.S.C. 1331(c) incorporating a remedy provision with the absence of a remedy provision in 2 U.S.C. 1416.

For the reasons below, the Office declines to delete this section. The CAA does provide for sanctions and remedies for the failure to maintain confidentiality. Under the Office of Compliance Administrative and Technical Corrections Act of 2015, section 2 U.S.C. 1416(c) of the CAA was amended to: “The Executive Director shall notify each person participating in a proceeding or deliberation to which this subsection applies of the requirements of this subsection and of the sanctions applicable to any person who violates the requirements of this subsection.” (Emphasis added.)

Section 7.07 gives the Hearing Officer discretion when a party fails to appear for hearing. One commenter suggested that the rule be amended to require the complainant to appear at hearings.

The rule, as written, is intended to allow the Hearing Officer discretion to determine when the presence of a party is required for the proceeding to move forward.

With respect to sections 7.13(d) and (e), one commenter noted that these sections “purport to limit the availability of interlocutory appeals”, and section 8.01(e) purports to limit the availability of judicial review. Because these issues should be addressed by substantive rulemaking, these proposed Procedural Rules are invalid and should not be adopted.

These provisions are not substantive, but are procedural. Therefore no changes need to be made. Thus, under the Proposed Rules, the time within which to file an interlocutory appeal is described in section 7.13(b); section 7.13(c) provides the standards upon which a Hearing Officer determines whether to forward a request for interlocutory review to the Board; and section 7.13(d) provides that the decision of the Hearing Officer to

forward or decline to forward a request for review is not appealable. The Office's rule permitting the Hearing Officer to determine whether a question should be forwarded to the Board is consistent with judicial practice, and the Board retains discretion whether or not to entertain the appeal. Under 28 USC 1292(b):

When a district judge, in making in a civil action an order not otherwise appealable under this section,¹ shall be of the opinion that such order involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation, he shall so state in writing in such order. The Court of Appeals which would have jurisdiction of an appeal of such action may thereupon, in its discretion, permit an appeal to be taken from such order, if application is made to it within ten days after the entry of the order: *Provided, however*, that application for an appeal hereunder shall not stay proceedings in the district court unless the district judge or the Court of Appeals or a judge thereof shall so order.

There were several comments on section 7.15(a) of the Proposed Regulations regarding the closing of the record of the hearing. One commenter noted that the OOC should identify what factors or guidance a Hearing Officer must follow in determining the amount of time that the record is to remain open. Another commenter objected to allowing any documents to be entered into the record after the close of a hearing.

A complete record is essential to a determination by the Hearing Officer. The Hearing Officer is in the best position to determine how long the record should be kept open and what information is most relevant to creating a complete record upon which to issue a decision. Because the Hearing Officer should be accorded appropriate discretion, the Executive Director sees no reason to make the changes noted.

There were several comments to section 7.16 concerning sufficient time to respond to motions. One commenter recommended that a provision be added to the Rules stating that a Hearing Officer shall provide a party at least two business days to respond to a written motion. Another commenter recommended that a rule be adopted that expressly permits the hearing to be opened just for purposes of arguing a dispositive motion, such as a motion to dismiss, thereby allowing the parties to avoid spending time and resources when a case can be dismissed because it is frivolous or because it fails to state a claim.

The Executive Director does not believe that any revisions are required to this section. As the time frames under the CAA for the issuance of the decision of a Hearing Officer are very short (a decision must be issued within 90 days of the end of the hearing), it is crucial that the Hearing Officer be accorded the most discretion in conducting the hearing.

One commenter suggested that the Rules include directions to Hearing Officers to *sua sponte* dismiss abated cases. The commenter maintained that when a Member of the House of Representatives leaves office, the Member's personal office ceases to exist and the case abates. Citing *Hamilton-Hayyim v. Office of Congressman Jackson*, Case No. 12-C-6392, 2014 WL 1227243 (N.D. 111. Mar. 25, 2014); accord *Oklahoma Natural Gas Co. v. Okla-*

homa, 273 U.S. 257, 259-260 (1927); *Bowles v. Wilke*, 175 F.2d 35, 38-39 (7th Cir. 1949), the commenter noted that the CAA "demonstrates a congressional mandate . . . to end any employment action liability of that respective Member's personal office" at the time the Member leaves office. *Hamilton-Hayyim*, 2014 WL 1227243 at *2.10 When a Hearing Officer becomes aware that a Member's personal office ceases to exist, the Rules should provide that the Hearing Officer will dismiss the case, *sua sponte*.

For the reasons stated herein, the Office disagrees with this interpretation and the Executive Director declines to provide such a rule, leaving it to the Hearing Officer or Board to make the determination on the issue. An "employing office" does not cease to exist when a Member resigns or otherwise leaves office. The clear intent of the CAA is to subject the Legislative Branch to liability for violation of federal employment laws, not to subject Members personally to such liability. 2 U.S.C. §1302. Moreover, a Member is not directly involved in the litigation, as Congress's attorneys defend the action and have the ultimate authority to make litigation decisions. Id. §1408(d). Additionally, there is no financial risk to a Member, as any monetary settlement or award is paid from a statutory fund. Id. §1415(a).

Courts considering this issue have reached this same conclusion. In *Hanson v. Office of Senator Mark Dayton*, 535 F. Supp. 2d 25 (D.D.C. 2008), the court found no ambiguity as to the meaning of the term "employing office" and opined that although the CAA defines "employing office" as the personal office of a Member, there is absolutely no indication in the CAA or elsewhere that Congress intended the naming device to insulate former Congressional offices from suit under the CAA. The court therefore expressly held that the expiration of a Senator's term did not moot or abate the lawsuit. Indeed, the term "employing office" is merely "an organizational division within Congress, established for Congress's administrative convenience, analogous to a department within a large corporation" and the term exists solely "to be named as a defendant in [CAA] actions." *Fields v. Office of Eddie Bernice Johnson*, 459 F. 3d 1, 27-29 (D.C. Cir. 2006); see *Bastien v. Office of Senator Ben Nighthorse Campbell*, No. 01-cv-799, 2005 WL 3334359, at *4, (D. Colo. Dec. 5, 2005) ("[T]he term 'employing office' actually refers to Congress and Congress is the responsible entity under the CAA."), quoted in 454 F.3d 1072, 1073 (10th Cir. 2006).

To the extent that the commenter disagrees with the above explanation and relies on *Hamilton-Hayyim v. Office of Congressman Jesse Jackson, Jr.*, No. 12-c-6392, 2014 WL 1227243 (N.D. Ill. Mar. 25, 2014), it is the belief of the Office that the case misapplied clearly established law as described above and should not affect the Procedural Rules. *Hamilton-Hayyim* conflates the issue of successor or continuing liability under Rule 25(d) of the Federal Rules of Civil Procedure with the role of an "employing office" in a suit under the CAA. As grounds for its holding, the court in *Hamilton-Hayyim* found that a suit against an employing office becomes moot or abates upon the resignation of a Member because Congress did not statutorily create successor liability which infers that "Congress certainly does not want to burden a new Member with the liability of a former Member." Id. at *2. This rationale does not comport with the CAA. There is no burden on a new Member resulting from an existing action against a former Member under the CAA because the obligation to provide a legal defense rests with the Office of House Employment Counsel and any resulting financial responsibility is paid through a fund.

2 U.S.C. §1408, 1415(a). The Executive Director believes that the holding in *Hamilton-Hayyim* is contrary to the clear intent of the CAA which is to hold Legislative Branch employing offices, not Members, accountable for violations of specific labor and employment laws. Because an employing office does not cease to exist for purposes of suit under the CAA when a Member leaves office, the Executive Director declines to make the change suggested.

SUBPART I—OTHER MATTERS OF GENERAL APPLICABILITY

One commenter stated that section 9.01(a) is unclear as to what is meant by a "decision of the Office." If the procedural rule is meant to be a decision of the Board of Directors of the Office of Compliance, the rule should be clarified. The definition of a final decision of the Office can be found in sections 405(g)² and 406(e)³ of the CAA. Therefore no further revisions are necessary.

There were comments to section 9.02(c)(2) of the Proposed Rules asking for clarification of the circumstances under which the Office or a Hearing Officer would initiate settlement discussions once the mediation period has ended. The Office sees no reason to change the language. As there are many situations that can come up in hearing where a Hearing Officer may conclude that the parties are interested in discussing settlement, the decision as to whether to initiate settlement discussions should be left up to the Office or Hearing Officer as circumstances dictate.

One commenter noted that Proposed Procedural Rule §9.03(d) would give the Executive Director sole authority to resolve alleged violations of settlement agreements, in the event that the parties do not agree on a method for resolving disputes. There is nothing in the CAA that gives the Executive Director the authority to resolve contractual disputes, and this rule should not be adopted.

The Office notes that the rule specifically states that the Office may provide assistance in resolving the dispute, including the services of a mediator and that allegations of a breach of a settlement will be reviewed, investigated, or mediated as appropriate. It does not say that the Executive Director will resolve those alleged violations, but rather, assist the parties in doing so.

One commenter noted that proposed Procedural Rule §9.04 states that, after a settlement agreement has been approved by the Executive Director, "[n]o payment shall be made from such account until the time for appeal of a decision has expired." This rule should clarify that it does not apply to settlements reached in the absence of a "decision" that may be appealed.

The Office has clarified section 9.04 in the Amended Rules and included language that indicates that this rule does not apply to situations where a settlement has been reached and there is no decision that could be appealed.

EXPLANATION REGARDING THE TEXT OF THE PROPOSED AMENDMENTS:

Material from the 2004 version of the Rules is printed in roman type. The text of the adopted amendments shows **[deletions in italicized type within bold italics brackets]** and **added text in underlined bold**. Only subsections of the Rules that include adopted amendments are reproduced in this NOTICE. The insertion of a series of small dots (. . . .) indicates additional, un-amended text within a

¹Orders other than "[i]nterlocutory orders . . . granting, continuing, modifying, refusing or dissolving injunctions, or refusing to dissolve or modify injunctions. . . ."

²Section 405 Complaint and Hearing, (g) Decision. " . . . If a decision is not appealed under section 1406 of this title to the Board, the decision shall be considered the final decision of the Office."

³Section 406 Appeal to the Board, (e) Decision. " . . . A decision that does not require further proceedings before a hearing officer shall be entered in the records of the Office as a final decision."

section has not been reproduced in this document. The insertion of a series of asterisks (* * * *) indicates that the un-amended text of entire sections of the Rules have not been reproduced in this document. For the text of other portions of the Rules which are not proposed to be amended, please access the Office of Compliance web site at www.compliance.gov.

ADOPTED AMENDMENTS

SUBPART A—GENERAL PROVISIONS

§ 1.01 Scope and Policy

§ 1.02 Definitions

§ 1.03 Filing and Computation of Time

§ 1.04 [Availability of Official Information] Filing, Service, and Size Limitations of Motions, Briefs, Responses and Other Documents

§ 1.05 [Designation of Representative] Signing of Pleadings, Motions and Other Filings; Violation of Rules; Sanctions

§ 1.06 [Maintenance of Confidentiality] Availability of Official Information

§ 1.07 [Breach of Confidentiality Provisions] Designation of Representative

§ 1.08 Confidentiality

§ 1.01 Scope and Policy.

These rules of the Office of Compliance govern the procedures for consideration and resolution of alleged violations of the laws made applicable under Parts A, B, C, and D of title II of the Congressional Accountability Act of 1995. The rules include definitions, procedures for counseling, mediation, and for electing between filing a complaint with the Office of Compliance and filing a civil action in a district court of the United States under Part A of title II. The rules also address the procedures for compliance, investigation, and enforcement under Part B of title II, [variances] and for compliance, investigation, [and] enforcement, and variance under Part C of title II. The rules include [and] procedures for the conduct of hearings held as a result of the filing of a complaint and for appeals to the Board of Directors of the Office of Compliance from Hearing Officer decisions, as well as other matters of general applicability to the dispute resolution process and to the operations of the Office of Compliance. It is the policy of the Office that these rules shall be applied with due regard to the rights of all parties and in a manner that expedites the resolution of disputes.

§ 1.02 Definitions.

Except as otherwise specifically provided in these rules, for purposes of this Part:

(b) *Covered Employee*. The term “covered employee” means any employee of

(3) the [Capitol Guide Service] Office of Congressional Accessibility Services;

(4) the Capitol Police;

(9) for the purposes stated in paragraph (q) of this section, the [General Accounting] Government Accountability Office or the Library of Congress.

(d) *Employee of the Office of the Architect of the Capitol*. The term “employee of the Office of the Architect of the Capitol” includes any employee of the Office of the Architect of the Capitol, or the Botanic Garden [or the Senate Restaurants].

(e) *Employee of the Capitol Police*. The term “employee of the Capitol Police” includes civilian employees and any member or officer of the Capitol Police.

(f) *Employee of the House of Representatives*. The term “employee of the House of Representatives” includes an individual occupying a position the pay for which is disbursed by the Clerk of the House of Rep-

resentatives, or another official designated by the House of Representatives, or any employment position in an entity that is paid with funds derived from the clerk-hire allowance of the House of Representatives, but not any such individual employed by any entity listed in subparagraphs [(3)] (2) through (9) of paragraph (b) above.

(g) *Employee of the Senate*. The term “employee of the Senate” includes any employee whose pay is disbursed by the Secretary of the Senate, but not any such individual employed by any entity listed in subparagraphs (1) and (3) through (9) of paragraph (b) above.

(h) *Employing Office*. The term “employing office” means:

(4) the [Capitol Guide Service] Office of Congressional Accessibility Services, the Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Compliance; or

(5) for the purposes stated in paragraph [(q)] (r) of this section, the [General Accounting] Government Accountability Office and the Library of Congress

(j) *Designated Representative*. The term “designated representative” means an individual, firm, or other entity designated in writing by a party to represent the interests of that party in a matter filed with the Office.

—Re-letter subsequent paragraphs—

[(o)](p) *General Counsel*. The term “General Counsel” means the General Counsel of the Office of Compliance and any authorized representative or designee of the General Counsel.

[(p)](q) *Hearing Officer*. The term “Hearing Officer” means any individual [designated] appointed by the Executive Director to preside over a hearing conducted on matters within the Office’s jurisdiction.

[(q)](r) *Coverage of the [General Accounting] Government Accountability Office and the Library of Congress and their Employees*. The term “employing office” shall include the [General Accounting] Government Accountability Office and the Library of Congress, and the term “covered employee” shall include employees of the [General Accounting] Government Accountability Office and the Library of Congress, for purposes of the proceedings and rulemakings described in subparagraphs (1) and (2):

§ 1.03 Filing and Computation of Time

(a) *Method of Filing*. Documents may be filed in person, electronically, by facsimile (FAX), or by mail, including express, overnight and other expedited delivery. [When specifically requested by the Executive Director, or by a Hearing Officer in the case of a matter pending before the Hearing Officer, or by the Board of Directors in the case of an appeal to the Board, any document may also be filed by electronic transmittal in a designated format, with receipt confirmed by electronic transmittal in the same format. Requests for counseling under section 2.03, requests for mediation under section 2.04 and complaints under section 5.01 of these rules may also be filed by facsimile (FAX) transmission. In addition, the Board or a Hearing Officer may order other documents to be filed by FAX. The original copies of documents filed by FAX must also be mailed to the Office no later than the day following FAX transmission.] The filing of all documents is subject to the limitations set forth below. The Board, Hearing Officer, the Executive Director, or the General Counsel may, in their discretion, determine the method by which documents may be filed in a particular proceeding, including ordering one or more parties to use mail, FAX, electronic filing, or personal delivery. Parties and their representatives are responsible for en-

suring that the Office always has their current postal mailing and e-mail addresses and FAX numbers.

(2) [Mailing] By Mail.

[(i) If mailed, including express, overnight and other expedited delivery, a request for mediation or a complaint is deemed filed on the date of its receipt in the Office.] [(ii) A document,] Documents, [other than a request for mediation, or a complaint, is] are deemed filed on the date of [its] their postmark or proof of mailing to the Office. Parties, including those using franked mail, are responsible for ensuring that any mailed document bears a postmark date or other proof of the actual date of mailing. In the absence of a legible postmark a document will be deemed timely filed if it is received by the Office at Adams Building, Room LA 200, 110 Second Street, S.E., Washington, D.C. 20540-1999, by mail within five (5) days of the expiration of the applicable filing period.

(3) *By FAX [Filing Documents]*. Documents transmitted by FAX machine will be deemed filed on the date received at the Office at 202-426-1913, or [in the case of any document to be filed or submitted to the General Counsel,] on the date received at the Office of the General Counsel at 202-426-1663 if received by 5:00 PM Eastern Time. Faxed documents received after 5:00 PM Eastern Time will be deemed filed the following business day. A FAX filing will be timely only if the document is received no later than 5:00 PM Eastern Time on the last day of the applicable filing period. Any party using a FAX machine to file a document bears the responsibility for ensuring both that the document is timely and accurately transmitted and confirming that the Office has received a facsimile of the document. [The party or individual filing the document may rely on its FAX status report sheet to show that it filed the document in a timely manner, provided that the status report indicates the date of the FAX, the receiver’s FAX number, the number of pages included in the FAX, and that transmission was completed.] The time displayed as received by the Office on its FAX status report will be used to show the time that the document was filed. When the Office serves a document by FAX, the time displayed as sent by the Office on its FAX status report will be used to show the time that the document was served. A FAX filing cannot exceed 75 pages, inclusive of table of contents, table of authorities, and attachments. Attachments exceeding 75 pages must be submitted to the Office in person or by electronic delivery. The date of filing will be determined by the date the brief, motion, response, or supporting memorandum is received in the Office, rather than the date the attachments were received in the Office.

(4) *By Electronic Mail*. Documents transmitted electronically will be deemed filed on the date received at the Office at ocefile@compliance.gov, or on the date received at the Office of the General Counsel at OSH@compliance.gov if received by 5:00 PM Eastern Time. Documents received electronically after 5:00 PM Eastern Time will be deemed filed the following business day. An electronic filing will be timely only if the document is received no later than 5:00 PM Eastern Time on the last day of the applicable filing period. Any party filing a document electronically bears the responsibility for ensuring both that the document is timely and accurately transmitted and for confirming that the Office has received the document. The time displayed as received or sent by the Office will be based on the document’s timestamp information and used to show the time that the document was filed or served.

(b) *Service by the Office*. At its discretion, the Office may serve documents by mail, FAX, electronic transmission, or personal or commercial delivery.

[(b)](c) *Computation of Time*. All time periods in these rules that are stated in terms of days are calendar days unless otherwise noted. However, when the period of time prescribed is five (5) days or less, intermediate Saturdays, Sundays, [and] federal government holidays, and other full days that the Office

is officially closed for business shall be excluded in the computation. To compute the number of days for taking any action required or permitted under these rules, the first day shall be the day after the event from which the time period begins to run and the last day for filing or service shall be included in the computation. When the last day falls on a Saturday, Sunday, [or] federal government holiday, or a day the Office is officially closed, the last day for taking the action shall be the next regular federal government workday.

[(c)](d) **Time Allowances for Mailing, Fax, or Electronic Delivery of Official Notices.** Whenever a person or party has the right or is required to do some act within a prescribed period after the service of a notice or other document upon him or her and the notice or document is served by [regular, first-class] mail, five (5) days shall be added to the prescribed period. [Only two (2) days shall be added if a document is served by express mail or other form of expedited delivery.] When documents are served by certified mail, return receipt requested, the prescribed period shall be calculated from the date of receipt as evidenced by the return receipt. When documents are served electronically or by FAX, the prescribed period shall be calculated from the date of transmission by the Office.

[(d) Service or filing of documents by certified mail, return receipt requested. Whenever these rules permit or require service or filing of documents by certified mail, return receipt requested, such documents may also be served or filed by express mail or other forms of expedited delivery in which proof of date of receipt by the addressee is provided.]

[\$9.01] § 1.04 Filing, Service, and Size Limitations of Motions, Briefs, Responses and Other Documents.

(a) **Filing with the Office; Number and Format.** One copy of requests for counseling and mediation, requests for inspection under OSH, unfair labor practice charges, charges under titles II and III of the ADA, [one original and three copies of] all motions, briefs, responses, and other documents must be filed [when required] with the Office or Hearing Officer. [However, when a party aggrieved by the decision of a Hearing Officer or a party to any other matter or determination reviewable by the Board files an appeal or other submission with the Board, one original and seven copies of any submission and any responses must be filed with the Office. The Office, Hearing Officer, or Board may also request a] A party [to submit] may file an electronic version of any submission in a [designated] format designated by the Executive Director, General Counsel, Hearing Officer, or Board, with receipt confirmed by electronic transmittal in the same format.

(b) **Service.** The parties shall serve on each other one copy of all motions, briefs, responses and other documents filed with the Office, other than the request for counseling, the request for mediation and complaint. Service shall be made by mailing, by fax or e-mailing, or by hand delivering a copy of the motion, brief, response or other document to each party, or if represented, the party's representative, on the service list previously provided by the Office. Each of these documents must be accompanied by a certificate of service specifying how, when and on whom service was made. It shall be the duty of each party to notify the Office and all other parties in writing of any changes in the names or addresses on the service list.

(d) **Size Limitations.** Except as otherwise specified [by the Hearing Officer, or these rules] no brief, motion, response, or supporting memorandum filed with the Office shall exceed 35 double-spaced pages, [or 8,750 words] exclusive of the table of contents, table of authorities and attachments. The

Board, the Executive Director, or Hearing Officer may [waive, raise or reduce] modify this limitation upon motion and for good cause shown; or on [its] their own initiative. Briefs, motions, responses, and supporting memoranda shall be on standard letter-size paper (8-1/2" x 11"). To the extent that such a filing exceeds 35 double-spaced pages, the Hearing Officer, Board, or Executive Director may, in their discretion, reject the filing in whole or in part, and may provide the parties an opportunity to refile.

[\$9.02] § 1.05 Signing of Pleadings, Motions and Other Filings; Violation of Rules; Sanctions.

(a) **Signing.** Every pleading, motion, and other filing of a party represented by an attorney or other designated representative shall be signed by the attorney or representative. A party who is not represented shall sign the pleading, motion or other filing. In the case of an electronic filing, an electronic signature is acceptable. The signature of a representative or party constitutes a certificate by the signer that the signer has read the pleading, motion, or other filing; that to the best of the signer's knowledge, information, and belief formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

(b) **Sanctions.** If a pleading, motion, or other filing is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the person who is required to sign. If a pleading, motion, or other filing is signed in violation of this rule, a Hearing Officer or the Board, as appropriate, upon motion or upon [its] their own initiative, [shall] may impose [upon the person who signed it, a represented party, or both.] an appropriate sanction, which may include [an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or other filing, including a reasonable attorney's fee. A Hearing Officer or the Board, as appropriate, upon motion or its own initiative may also impose an appropriate sanction, which may include] the sanctions specified in section 7.02[. for any other violation of these rules that does not result from reasonable error].

[\$1.04] § 1.06 Availability of Official Information.

(a) **Policy.** It is the policy of the Board, the [Office] Executive Director, and the General Counsel, except as otherwise ordered by the Board, to make available for public inspection and copying final decisions and orders of the Board and the Office, as specified and described in paragraph (d) below.

(c) **Copies of Forms.** Copies of blank forms prescribed by the Office for the filing of complaints and other actions or requests may be obtained from the Office or on line at www.compliance.gov.

(f) **Access by Committees of Congress.** [At the discretion of the Executive Director, the] The Executive Director, at his or her discretion, may provide to the [Committee on Standards of Official Conduct of the House of Representatives] House Committee on Ethics and the [Select Committee on Ethics of the Senate] U.S. Senate Select Committee on Ethics access to the records of the hearings and decisions of the Hearing Officers and the Board, including all written and oral testimony in the possession of the Office. The identifying information in these records may be redacted at the discretion of the Executive Director. The Executive Director shall not provide such access until the

Executive Director has consulted with the individual filing the complaint at issue, and until a final decision has been entered under section 405(g) or 406(e) of the Act.

[\$1.05] § 1.07 Designation of Representative.

(a) [An employee, other charging individual or] A party [a witness, a labor organization, an employing office, or an entity alleged to be responsible for correcting a violation] wishing to be represented [by another individual] must file with the Office a written notice of designation of representative. No more than one representative, [or] firm, or other entity may be designated as representative for a party for the purpose of receiving service, unless approved in writing by the Hearing Officer or Executive Director. The representative may be, but is not required to be, an attorney. If the representative is an attorney, he or she may sign the designation of representative on behalf of the party.

(b) **Service Where There is a Representative.** [All service] Service of documents shall be [directed to] on the representative unless and until such time as the represented [individual, labor organization, or employing office] party or representative, with notice to the party, [specifies otherwise and until such time as that individual, labor organization, or employing office] notifies the Executive Director, in writing, of [an amendment] a modification or revocation of the designation of representative. Where a designation of representative is in effect, all time limitations for receipt of materials [by the represented individual or entity] shall be computed in the same manner as for those who are unrepresented [individuals or entities], with service of the documents, however, directed to the representative[, as provided].

(c) **Revocation of a Designation of Representative.** A revocation of a designation of representative, whether made by the party or by the representative with notice to the party, must be made in writing and filed with the Office. The revocation will be deemed effective the date of receipt by the Office. At the discretion of the Executive Director, General Counsel, Mediator, Hearing Officer, or Board, additional time may be provided to allow the party to designate a new representative as consistent with the Act.

[\$1.06] § 1.08 [Maintenance of] Confidentiality.

(a) **Policy.** [In accord with section 416 of the Act, it is the policy of] Except as provided in sections 416(d), (e), and (f) of the Act, the Office [to] shall maintain[, to the fullest extent possible, the] confidentiality in counseling, mediation, and in [of] the proceedings and deliberations of Hearing Officers and the Board in accordance with sections 416(a), (b), and (c) of the Act. [Of the participants in proceedings conducted under sections 402, 403, 405 and 406 of the Act and these rules.]

(b) [At the time that any individual, employing office or party, including a designated representative, becomes a participant in counseling under section 402, mediation under section 403, the complaint and hearing process under section 405, or an appeal to the Board under section 406 of the Act, or any related proceeding, the Office will advise the participant of the confidentiality requirements of section 416 of the Act and these rules and that sanctions may be imposed for a violation of those requirements.] Participant. For the purposes of this rule, participant means an individual or entity who takes part as either a party, witness, or designated representative in counseling under Section 402 of the Act, mediation under section 403, the complaint and hearing process under section 405, or an appeal to the Board under Section 406 of the Act, or any related proceeding which is expressly or by necessity deemed confidential under the Act or these rules.

(c) **Prohibition.** Unless specifically authorized by the provisions of the Act or by these rules, no participant in counseling, mediation or other proceedings made confidential under Section 416 of the Act ("confidential proceedings") may disclose a written or oral communication that is prepared for the purpose of or that

occurs during counseling, mediation, and the proceedings and deliberations of Hearing Officers and the Board.

(d) Exceptions. Nothing in these rules prohibits a party or its representative from disclosing information obtained in confidential proceedings when reasonably necessary to investigate claims, ensure compliance with the Act or prepare its prosecution or defense. However, the party making the disclosure shall take all reasonably appropriate steps to ensure that persons to whom the information is disclosed maintain the confidentiality of such information. These rules do not preclude a Mediator from consulting with the Office with permission from the party that is the subject of the consultation, except that when the covered employee is an employee of the Office a Mediator shall not consult with any individual within the Office who might be a party or witness. These rules do not preclude the Office from reporting statistical information to the Senate and House of Representatives.

(e) Contents or Records of Confidential Proceedings. For the purpose of this rule, the contents or records of counseling, mediation or other proceeding includes the information disclosed by participants to the proceedings, and records disclosed by the opposing party, witnesses, or the Office. A participant is free to disclose facts and other information obtained from any source outside of the confidential proceedings. For example, an employing office or its representatives may disclose information about its employment practices and personnel actions, provided that the information was not obtained in a confidential proceeding. However, an employee who obtains that information in mediation or other confidential proceeding may not disclose such information. Similarly, information forming the basis for the allegation of a complaining employee may be disclosed by that employee, provided that the information contained in those allegations was not obtained in a confidential proceeding. However, the employing office or its representatives may not disclose that information if it was obtained in a confidential proceeding.

(f) Sanctions. The Executive Director will advise all participants in mediation and hearing at the time they become participants of the confidentiality requirements of Section 416 of the Act and that sanctions may be imposed by the Hearing Officer for a violation of those requirements. No sanctions may be imposed except for good cause and the particulars of which must be stated in the sanction order.

§ 1.07 Breach of Confidentiality Provisions.

(a) In General. Section 416(a) of the CAA provides that counseling under section 402 shall be strictly confidential, except that the Office and a covered employee may agree to notify the employing office of the allegations. Section 416(b) provides that all mediation shall be strictly confidential. Section 416(c) provides that all proceedings and deliberations of Hearing Officers and the Board, including any related records shall be confidential, except for release of records necessary for judicial actions, access by certain committees of Congress, and, in accordance with section 416(f), publication of certain final decisions. Section 416(c) does not apply to proceedings under section 215 of the Act, but does apply to the deliberations of Hearing Officers and the Board under section 215. See also sections 1.06, 5.04, and 7.12 of these rules.

(b) Prohibition. Unless specifically authorized by the provisions of the CAA or by order of the Board, the Hearing Officer or a court, or by the procedural rules of the Office, no participant in counseling, mediation or other proceedings made confidential under section 416 of the CAA ("confidential proceedings") may disclose the contents or records of those proceedings to any person or entity. Nothing in these rules prohibits a bona fide representative of a party under section 1.05 from engaging in communications with that party for the purpose of participation in the proceedings, provided that such disclosure is not made in the presence of individuals not reasonably necessary to the representative's representation of that party. Moreover, nothing in these rules prohibits a party or its representative from disclosing information obtained in con-

fidential proceedings for the limited purposes of investigating claims, ensuring compliance with the Act or preparing its prosecution or defense, to the extent that such disclosure is reasonably necessary to accomplish the aforementioned purposes and provided that the party making the disclosure takes all reasonably appropriate steps to ensure that persons to whom the information is disclosed maintain the confidentiality of such information.

(c) Participant. For the purposes of this rule, participant means any individual or party, including a designated representative, that becomes a participant in counseling under section 402, mediation under section 403, the complaint and hearing process under section 405, or an appeal to the Board under section 406 of the Act, or any related proceeding which is expressly or by necessity deemed confidential under the Act or these rules.

(d) Contents or Records of Confidential Proceedings. For the purpose of this rule, the contents or records of counseling, mediation or other proceeding includes information disclosed by participants to the proceedings, and records disclosed by either the opposing party, witnesses or the Office. A participant is free to disclose facts and other information obtained from any source outside of the confidential proceedings. For example, an employing office or its representatives may disclose information about its employment practices and personnel actions, provided that the information was not obtained in a confidential proceeding. However, an employee who obtains that information in mediation or other confidential proceeding may not disclose such information. Similarly, information forming the basis for the allegation of a complaining employee may be disclosed by that employee, provided that the information contained in those allegations was not obtained in a confidential proceeding. However, the employing office or its representatives may not disclose that information if it was obtained in a confidential proceeding.

(e) Violation of Confidentiality. Any complaint regarding a violation of the confidentiality provisions must be made to the Executive Director no later than 30 days after the date of the alleged violation. Such complaints may be referred by the Executive Director to a Hearing Officer. The Hearing Officer is also authorized to initiate proceedings on his or her own initiative, or at the direction of the Board, if the alleged violation occurred in the context of Board proceedings. Upon a finding of a violation of the confidentiality provisions, the Hearing Officer, after notice and hearing, may impose an appropriate sanction, which may include any of the sanctions listed in section 7.02 of these rules, as well as any of the following:

(1) an order that the matters regarding which the violation occurred or any other designated facts shall be taken to be established against the violating party for the purposes of the action in accordance with the claim of the other party;

(2) an order refusing to allow the violating party to support or oppose designated claims or defenses, or prohibiting him from introducing designated matters in evidence;

(3) an order striking out pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dismissing with or without prejudice the action or proceedings or any part thereof, or rendering a judgment by default against the violating party;

(4) in lieu of any of the foregoing orders or in addition thereto, the Hearing Officer shall require the party violating the confidentiality provisions or the representative advising him, or both, to pay, at such time as ordered by the Hearing Officer, the reasonable expenses, including attorney fees, caused by the violation, unless the Hearing Officer finds that the failure was substantially justified or that other circumstances make an award of expenses unjust. Such an order shall be subject to review on appeal of the final decision of the Hearing Officer

under section 406 of the Act. No sanctions may be imposed under this section except for good cause and the particulars of which must be stated in the sanction order.]

SUBPART B—PRE-COMPLAINT PROCEDURES APPLICABLE TO CONSIDERATION OF ALLEGED VIOLATIONS OF PART A OF TITLE II OF THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

§ 2.01 Matters Covered by Subpart B

§ 2.02 Requests for Advice and Information

§ 2.03 Counseling

§ 2.04 Mediation

§ 2.05 Election of Proceeding[s]

§ 2.06 [Filing of Civil Action] Certification of the Official Record

§ 2.07 Filing of Civil Action

§ 2.01 Matters Covered by Subpart B.

(a) These rules govern the processing of any allegation that sections 201 through 206 of the Act have been violated and any allegation of intimidation or reprisal prohibited under section 207 of the Act. Sections 201 through 206 of the Act apply to covered employees and employing offices certain rights and protections of the following laws:

(10) Chapter 35 (relating to veteran's preference) of title 5, United States Code

(11) Genetic Information Nondiscrimination Act of 2008.

(b) This subpart applies to the covered employees and employing offices as defined in section 1.02(b) and (h) of these rules and any activities within the coverage of sections 201 through 206(a) and 207 of the Act and referenced above in section 2.01(a) of these rules.

* * * * *

§ 2.03 Counseling.

(a) Initiating a Proceeding; Formal Request for Counseling. [In order] To initiate a proceeding under these rules regarding an alleged violation of the Act, as referred to in section 2.01(a), above, an employee shall file a written request for counseling with the Office. [Regarding an alleged violation of the Act, as referred to in section 2.01(a), above.] Individuals wishing to file a formal request for counseling may call the Office for a form to use for this purpose. [All requests for counseling shall be confidential, unless the employee agrees to waive his or her right to confidentiality under section 2.03(e)(2), below.]

(b) Who May Request Counseling. A covered employee who, in good faith, believes that he or she has been or is the subject of a violation of the Act as referred to in section 2.01(a) may formally request counseling.

(c) When, How and Where to Request Counseling. A request for counseling must be in writing, and shall be filed pursuant to the requirements of section 2.03(a) of these Rules with the Office of Compliance at Room LA-200, 110 Second Street, S.E., Washington, D.C. 20540-1999; FAX 202-426-1913; TDD 202-426-1912, not later than 180 days after the alleged violation of the Act.

(d) [Purpose] Overview of the Counseling Period. The Office will maintain strict confidentiality throughout the counseling period. The [purpose of the] counseling period [shall] should be used: to discuss the employee's concerns and elicit information regarding the matter(s) which the employee believes constitute a violation(s) of the Act; to advise the employee of his or her rights and responsibilities under the Act and the procedures of the Office under these rules; to evaluate the matter; and to assist the employee in achieving an early resolution of the matter, if possible.

(e) Confidentiality and Waiver.

(1) Absent a waiver under paragraph 2, below, all counseling shall be kept strictly confidential and shall not be subject to discovery.

All participants in counseling shall be advised of the requirement for confidentiality and that disclosure of information deemed confidential could result in sanctions later in the proceedings. Nothing in these rules shall prevent a counselor from consulting with personnel within the Office concerning a matter in counseling, except that, when the person being counseled is an employee of the Office, the counselor shall not consult with any individual within the Office who might be a party or witness without the consent of the person requesting counseling. Nothing contained in these rules shall prevent the Executive Director from compiling and publishing statistical information such as that required by Section 301(h)(3) of the Act, so long as that statistical information does not reveal the identity of [the employees] an individual employee [involved] or of an employing office[s] that [are] is the subject of a specific request for counseling.

(2) [The] In accord with section 416(a) of the Act, the employee and the Office may agree to waive confidentiality [of] during the counseling process for the limited purpose of allowing the Office [contacting the employing office] to [obtain information] notify the employing office of the allegations [to be used in counseling the employee or to attempt a resolution of any disputed matter(s)]. Such a limited waiver must be written on the form supplied by the Office and signed by both the counselor and the employee.

(g) Role of Counselor [in Defining Concerns]. The Counselor [may] shall:

(1) obtain the name, home and office mailing and e-mail addresses, and home and office telephone numbers of the person being counseled;

(2) obtain the name and title of the person(s) whom the employee claims has engaged in a violation of the Act, e-mail address, if known, and the employing office in which this person(s) works;

(5) obtain the name, business and e-mail addresses, and telephone number of the employee's representative, if any, and whether the representative is an attorney.

[(i)](h) Counselor Not a Representative. The Counselor shall inform the person being counseled that the counselor does not represent either the employing office or the employee. The Counselor provides information regarding the Act and the Office and may act as a third-party intermediary with the goals of increasing the individual's understanding of his or her rights and responsibilities under the Act and of promoting the early resolution of the matter.

[(j)](i) Duration of Counseling Period. The period for counseling shall be 30 days, beginning on the date that the request for counseling is [received by the Office] filed by the employee in accordance with section 1.03(a) of these rules, unless the employee requests in writing on a form provided by the Office to reduce the period and the [Office] Executive Director agrees [to reduce the period].

[(h)](j) Role of Counselor in Attempting Informal Resolution. In order to attempt to resolve the matter brought to the attention of the counselor, the counselor must obtain a waiver of confidentiality pursuant to section 2.03(e)(2) of these rules. If the employee executes such a waiver, the counselor may:

(1) conduct a limited inquiry for the purpose of obtaining any information necessary to attempt an informal resolution or formal settlement;

(2) reduce to writing any formal settlement achieved and secure the signatures of the employee, his or her representative, if any, and a member of the employing office who is authorized to enter into a settlement on the employing office's behalf; and, pursuant to

section 414 of the Act and section 9.05 of these rules, seek the approval of the Executive Director. Nothing in this subsection, however, precludes the employee, the employing office or their representatives from reducing to writing any formal settlement.

(k) Duty to Proceed. An employee who initiates a proceeding under this part shall be responsible at all times for proceeding, regardless of whether he or she has designated a representative, and shall notify the Office in writing of any change in pertinent contact information, such as address, e-mail, fax number, etc. An employee, however, may withdraw from counseling once without prejudice to the employee's right to reinstate counseling regarding the same matter, provided that the request to reinstate counseling is in writing and is [received in] filed with the Office not later than 180 days after the date of the alleged violation of the Act and that counseling on a single matter will not last longer than a total of 30 days.

(l) Conclusion of the Counseling Period and Notice. The Executive Director shall notify the employee in writing of the end of the counseling period. [by [certified mail, return receipt requested,] first class mail, [or by] personal delivery evidenced by a written receipt, or electronic transmission. The Executive Director, as part of the notification of the end of the counseling period, shall inform the employee of the right and obligation, should the employee choose to pursue his or her claim, to file with the Office a request for mediation within 15 days after receipt by the employee of the notice of the end of the counseling period.

(m) Employees of the Office of the Architect of the Capitol and Capitol Police.

(1) Where an employee of the Office of the Architect of the Capitol or of the Capitol Police requests counseling under the Act and these rules, the Executive Director, in his or her sole discretion, may recommend that the employee use the [grievance] internal procedures of the Architect of the Capitol or the Capitol Police pursuant to a Memorandum of Understanding (MOU) between the Architect of the Capitol and the Office or the Capitol Police and the Office addressing certain procedural and notification requirements. The term "[grievance] internal procedures(s)" refers to any internal procedure of the Architect of the Capitol and the Capitol Police, including grievance procedures referred to in section 401 of the Act, that can provide a resolution of the matter(s) about which counseling was requested. Pursuant to section 401 of the Act [and by agreement with the Architect of the Capitol and the Capitol Police Board], when the Executive Director makes such a recommendation, the following procedures shall apply:

(i) The Executive Director shall recommend in writing to the employee that the employee use the [grievance] internal procedures of the Architect of the Capitol or of the Capitol Police, as appropriate, for a period generally up to 90 days, unless the Executive Director determines, in writing, that a longer period is appropriate [for resolution of the employee's complaint through the grievance procedures of the Architect of the Capitol or the Capitol Police]. Once the employee notifies the Office that he or she is using the internal procedure, the employee shall provide a waiver of confidentiality to allow the Executive Director to notify the Architect of the Capitol or the Capitol Police that the Executive Director has recommended that the employee use the internal procedure.

[(ii)] The period during which the matter is pending in the internal procedure shall not count against the time available for counseling or mediation under the Act.

[(iii)] If the dispute is resolved to the employee's satisfaction, the employee shall so notify the Office within 20 days after the employee has been served with a final decision resulting from the internal procedure.

[(ii)] (iv) After [having contacted the Office and having utilized] using the [grievance] internal procedures [of the Architect of the Capitol or of the Capitol Police], the employee may notify the Office that he or she wishes to return to the procedures under these rules:

(A) within 60 days after the expiration of the period recommended by the Executive Director, if the matter has not resulted in a final decision or a decision not to proceed; or

(B) within 20 days after service of a final decision or a decision not to proceed, resulting from the [grievance] internal procedures [of the Architect of the Capitol or of the Capitol Police Board].

[(iii)] The period during which the matter is pending in the internal grievance procedure shall not count against the time available for counseling or mediation under the Act. If the grievance is resolved to the employee's satisfaction, the employee shall so notify the Office within 20 days after the employee has received service of the final decision resulting from the grievance procedure. If no request to return to the procedures under these rules is received within 60 days after the expiration of the period recommended by the Executive Director the Office will issue a Notice of End of Counseling, as specified in section 2.04(i) of these Rules.

[(v)] If a request to return to counseling is not made by the employee within the time periods outlined above, the Office will issue a Notice of the End of Counseling.

(2) Notice to Employees who Have Not Initiated Counseling with the Office. When an employee of the Architect of the Capitol or the Capitol Police raises in the internal procedures of the Architect of the Capitol or of the Capitol Police [Board] an allegation which may also be raised under the procedures set forth in this subpart, the Architect of the Capitol or the Capitol Police [Board should] shall, in accordance with the MOU with the Office, advise the employee in writing that a request for counseling about the allegation must be initiated with the Office within 180 days after the alleged violation of law occurred if the employee intends to use the procedures of the Office.

(3) Notice in Final Decisions when Employees Have Not Initiated Counseling with the Office. When an employee raises in the internal procedures of the Architect of the Capitol or of the Capitol Police [Board] an allegation which may also be raised under the procedures set forth in this subpart, any [final] decision issued [pursuant to the procedures of the Architect of the Capitol or of the Capitol Police Board should] under such procedure, shall, pursuant to the MOU with the Office, include notice to the employee of his or her right to initiate the procedures under these rules within 180 days after the alleged violation occurred.

(4) Notice in Final Decisions when There Has Been a Recommendation by the Executive Director. When the Executive Director has made a recommendation under paragraph 1 above, the Architect of the Capitol or the Capitol Police [Board should] shall, pursuant to the MOU with the Office, include with the final decision notice to the employee of his or her right to resume the procedures under these rules within 20 days after service on the employee of the final decision and shall transmit a copy of the final decision, settlement agreement, or other final disposition of the case to the Executive Director.

§ 2.04 Mediation.

(a) [Explanation] Overview. Mediation is a process in which employees, employing offices and their representatives, if any, meet separately and/or jointly with a [neutral] Mediator trained to assist them in resolving disputes. As [parties to] participants in the mediation, employees, employing offices, and

their representatives discuss alternatives to continuing their dispute, including the possibility of reaching a voluntary, mutually satisfactory resolution. The *[Neutral] Mediator* has no power to impose a specific resolution, and the mediation process, whether or not a resolution is reached, is strictly confidential, pursuant to section 416 of the Act.

(b) *Initiation.* Not more than 15 days after receipt by the employee of the notice of the conclusion of the counseling period under section 2.03(1), the employee may file with the Office a written request for mediation. Except to provide for the services of a Mediator and notice to the employing office, the invocation of mediation shall be kept confidential by the Office. The request for mediation shall contain the employee's name, home and e-mail addresses, *[and]* telephone number, and the name of the employing office that is the subject of the request. Failure to request mediation within the prescribed period *[will]* preclude the employee's further pursuit of his or her claim. If a request for mediation is not filed within 15 days of receipt of a Notice of the End of Counseling, the case may be closed and the employee will be so notified.

(d) *Selection of [Neutrals] Mediators; Disqualification.* Upon receipt of the request for mediation, the Executive Director shall assign one or more *[neutrals] Mediators from a master list developed and maintained pursuant to section 403 of the Act*, to commence the mediation process. In the event that a *[neutral] Mediator* considers him or herself unable to perform in a neutral role in a given situation, he or she shall withdraw from the matter and immediately shall notify the Office of the withdrawal. Any party may ask the Office to disqualify a *[neutral] Mediator* by filing a written request, including the reasons for such request, with the Executive Director. This request shall be filed as soon as the party has reason to believe there is a basis for disqualification. The Executive Director's decision on this request shall be final and unreviewable.

(e) *Duration and Extension.*

(2) The *[Office] Executive Director* may extend the mediation period upon the joint written request of the parties, or of the appointed mediator on behalf of the parties *[, to the attention of the Executive Director]*. The request shall be written and filed with the *[Office] Executive Director* no later than the last day of the mediation period. The request shall set forth the joint nature of the request and the reasons therefore, and specify when the parties expect to conclude their discussions. Requests for additional extensions may be made in the same manner. Approval of any extensions shall be within the sole discretion of the *[Office] Executive Director*.

(f) *Procedures.*

(1) The *[Neutral's] Mediator's Role.* After assignment of the case, the *[neutral] Mediator* will promptly contact the parties. The *[neutral] Mediator* has the responsibility to conduct the mediation, including deciding how many meetings are necessary and who may participate in each meeting. The *[neutral] Mediator* may accept and may ask the parties to provide written submissions.

(2) The Agreement to Mediate. At the commencement of the mediation, the *[neutral] Mediator* will ask the *[parties] participants and/or their representatives* to sign an agreement prepared by the Office ("the Agreement to Mediate"). The Agreement to Mediate will set out the conditions under which mediation will occur, including the requirement that the participants adhere to the confidentiality of the process and a notice that a breach of the mediation agreement could result in sanctions later in the proceedings. The Agreement to Medi-

ate will also provide that the parties to the mediation will not seek to have the Counselor or the *[neutral] Mediator* participate, testify or otherwise present evidence in any subsequent administrative action under section 405 or any civil action under section 408 of the Act or any other proceeding.

(g) *Who May Participate.* The covered employee *[,]* and the employing office *[,]* their respective representatives, and the Office may meet, jointly or separately, with the neutral. A representative of the employee and a representative of the employing who has actual authority to agree to a settlement agreement on behalf of the employee or the employing office, as the case may be, must be present at the mediation or must be immediately accessible by telephone during the mediation. *[] may elect to participate in mediation proceedings through a designated representative, provided, that the representative has actual authority to agree to a settlement agreement or has immediate access to someone with actual settlement authority, and provided further, that should the Mediator deem it appropriate at any time, the physical presence in mediation of any party may be specifically requested. The Office may participate in the mediation process, with permission of the Mediator and the parties. The Mediator will determine, as best serves the interests of mediation, whether the participants may meet jointly or separately with the Mediator.*

(h) *Informal Resolutions and Settlement Agreements.* At any time during mediation the parties may resolve or settle a dispute in accordance with section *[9.05] 9.03* of these rules.

(i) *Conclusion of the Mediation Period and Notice.* If, at the end of the mediation period, the parties have not resolved the matter that forms the basis of the request for mediation, the Office shall provide the employee, and the employing office, and their representatives, with written notice that the mediation period has concluded. The written notice *[to the employee]* will be *[sent by certified mail, return receipt requested, or will be]* personally delivered evidenced by a written receipt, or sent by first class mail, e-mail, or fax. *[, and it]* The notice will specify the date the mediation period ended and also *[notify]* provide information about the employee's *[of his or her]* right to elect to file a complaint with the Office in accordance with section 405 of the Act and section 5.01 of these rules or to file a civil action pursuant to section 408 of the Act and section *[2.06] 2.07* of these rules.

(j) *Independence of the Mediation Process and the [Neutral] Mediator.* The Office will maintain the independence of the mediation process and the *[neutral] Mediator*. No individual, who is appointed by the Executive Director to mediate, may conduct or aid in a hearing conducted under section 405 of the Act with respect to the same matter or shall be subject to subpoena or any other compulsory process with respect to the same matter.

[(k) Confidentiality. Except as necessary to consult with the parties, the parties' their counsel or other designated representatives, the parties to, the mediation, the neutral and the Office shall not disclose, in whole or in part, any information or records obtained through, or prepared specifically for, the mediation process. This rule shall not preclude a neutral from consulting with the Office, except that when the covered employee is an employee of the Office a neutral shall not consult with any individual within the Office who might be a party or witness. This rule shall also not preclude the Office from reporting statistical information to the Senate and House of Representatives that does not reveal the identity of the employees or employing offices involved in the mediation. All parties to the action and their representatives will be advised of the confidentiality requirements of this process and of the sanctions that might be imposed for violating these requirements.]

[(k) Violation of Confidentiality in Mediation. An allegation regarding a violation of the confidentiality provisions may be made by a party in a mediation to the mediator during the mediation period and, if not resolved by agreement in mediation, to a hearing officer during proceedings brought under Section 405 of the Act]

§ 2.05 Election of Proceeding.

(a) Pursuant to section 404 of the Act, not later than 90 days after *[a covered employee receives notice of]* the end of mediation under section 2.04(i) of these rules, but no sooner than 30 days after that date, the covered employee may either:

(2) file a civil action in accordance with section 408 of the Act and section *[2.06] 2.07*, below, in the United States *[District Court]* district court for the district in which the employee is employed or for the District of Columbia.

(b) A covered employee who files a civil action pursuant to section *[2.06] 408 of the Act*, may not thereafter file a complaint under section *[5.01] 405 of the Act* on the same matter.

§ 2.06 Certification of the Official Record

(a) Certification of the Official Record shall contain the date the Request for Counseling was made; the date and method of delivery the Notification of End of Counseling Period was sent to the complainant; the date the Notice was deemed by the Office to have been received by the complainant; the date the Request for Mediation was filed; and the date the mediation period ended.

(b) At any time after a complaint has been filed with the Office in accordance with section 405 of the Act and the procedure set out in section 5.01, below; or a civil action filed in accordance with section 408 of the Act and section 2.07, below, in the United States District Court, a party may request and receive from the Office Certification of the Official Record.

(c) Certification of the Official Record will not be provided until after a complaint has been filed with the Office or the Office has been notified that a civil action has been filed in district court.

§ [2.06] 2.07 Filing of Civil Action.

(c) *Communication Regarding Civil Actions Filed with District Court.* The party filing any civil action with the United States District Court pursuant to sections 404(2) and 408 of the Act shall provide a written notice to the Office that the party has filed a civil action, specifying the district court in which the civil action was filed and the case number. Failure to notify the Office that such action has been filed may result in delay in the preparation and receipt of the Certification of the Official Record.

SUBPART C—[RESERVED (SECTION 210—ADA PUBLIC SERVICES)]

SUBPART D—COMPLIANCE, INVESTIGATION, ENFORCEMENT AND VARIANCE PROCESS UNDER SECTION 215 OF THE CAA (OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970)—INSPECTIONS, CITATIONS, AND COMPLAINTS

§ 4.01 Purpose and Scope

§ 4.02 Authority for Inspection

§ 4.03 Request for Inspections by Employees and Employing Offices

§ 4.04 Objection to Inspection

§ 4.05 Entry Not a Waiver

§ 4.06 Advance Notice of Inspection

§ 4.07 Conduct of Inspections

§ 4.08 Representatives of Employing Offices and Employees

§ 4.09 Consultation with Employees

§ 4.10 Inspection Not Warranted; Informal Review

§ 4.11 Citations

§ 4.12 Imminent Danger

§ 4.13 Posting of Citations**§ 4.14 Failure to Correct a Violation for Which a Citation Has Been Issued; Notice of Failure to Correct Violation; Complaint****§ 4.15 Informal Conferences****Rules of Practice for Variances, Limitations, Variations, Tolerances, and Exemptions****§ 4.20 Purpose and Scope****§ 4.21 Definitions****§ 4.22 Effect of Variances****§ 4.23 Public Notice of a Granted Variance, Limitation, Variation, Tolerance, or Exemption****§ 4.24 Form of Documents****§ 4.25 Applications for Temporary Variances and other Relief****§ 4.26 Applications for Permanent Variances and other Relief****§ 4.27 Modification or Revocation of Orders****§ 4.28 Action on Applications****§ 4.29 Consolidation of Proceedings****§ 4.30 Consent Findings and Rules or Orders****§ 4.31 Order of Proceedings and Burden of Proof****Inspections, Citations and Complaints**

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§ 4.02 Authority for Inspection.

(a) Under section 215(c)(1) of the CAA, upon written request of any employing office or covered employee, the General Counsel is authorized to enter without delay and at reasonable times any place where covered employees work ("place of employment") [of employment under the jurisdiction of an employing office]; to inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment, and all pertinent conditions, structures, machines, apparatus, devices, equipment and materials therein; to question privately any employing office, operator, agent or employee; and to review records maintained by or under the control of the covered entity. [required by the CAA and regulations promulgated thereunder, and other records which are directly related to the purpose of the inspection.]

* * * * *

§ 4.03 Requests for Inspections by Employees and Covered Employing Offices.

(a) *By Covered Employees and Representatives.*

(1) Any covered employee or representative of covered employees who believes that a violation of section 215 of the CAA exists in any place of employment [under the jurisdiction of employing offices] may request an inspection of such place of employment by giving notice of the alleged violation to the General Counsel. Any such notice shall be reduced to writing on a form available from the Office, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employee or the representative of the employees. A copy shall be provided to the employing office or its agent by the General Counsel or the General Counsel's designee no later than at the time of inspection, except that, upon the written request of the person giving such notice, his or her name and the names of individual employees referred to therein shall not appear in such copy or on any record published, released, or made available by the General Counsel.

* * * * *

(b) *By Employing Offices.* Upon written request of any employing office, the General Counsel or the General Counsel's designee shall inspect and investigate places of employment [under the jurisdiction of employing offices] under section 215(c)(1) of the CAA.

Any such requests shall be reduced to writing on a form available from the Office.

* * * * *

§ 4.10 Inspection Not Warranted; Informal Review.

(a) If the General Counsel's designee determines that an inspection is not warranted because there are no reasonable grounds to believe that a violation or danger exists with respect to a notice of violation under section 4.03(a), he or she shall notify the party giving the notice [in writing] of such determination in writing. The complaining party may obtain review of such determination by submitting and serving a written statement of position with the General Counsel [,] and [, at the same time, providing] the employing office [with a copy of such statement by certified mail]. The employing office may submit and serve an opposing written statement of position with the General Counsel [,] and [, at the same time, provide] the complaining party [with a copy of such statement by certified mail]. Upon the request of the complaining party or the employing office, the General Counsel, at his or her discretion, may hold an informal conference in which the complaining party and the employing office may orally present their views. After considering all written and oral views presented, the General Counsel shall affirm, modify, or reverse the designee's determination and furnish the complaining party and the employing office with written notification of this decision and the reasons therefor. The decision of the General Counsel shall be final and not reviewable.

* * * * *

§ 4.11 Citations.

(a) If, on the basis of the inspection, the General Counsel believes that a violation of any requirement of section 215 of the CAA, [or of] including any occupational safety or health standard promulgated by the Secretary of Labor under Title 29 of the U.S. Code, section 655, or of any other regulation [standard], rule or order promulgated pursuant to section 215 of the CAA, has occurred, he or she shall issue to the employing office responsible for correction of the violation, [as determined under section 1.106 of the Board's regulations implementing section 215 of the CAA] either a citation or a notice of de minimis violations that [have] has no direct or immediate relationship to safety or health. An appropriate citation or notice of de minimis violations shall be issued even though, after being informed of an alleged violation by the General Counsel, the employing office immediately abates, or initiates steps to abate, such alleged violation. Any citation shall be issued with reasonable promptness after termination of the inspection. No citation may be issued under this section after the expiration of 6 months following the occurrence of any alleged violation unless the violation is continuing or the employing office has agreed to toll the deadline for filing the citation.

* * * * *

§ 4.13 Posting of Citations.

(a) Upon receipt of any citation under section 215 of the CAA, the employing office shall immediately post such citation, or a copy thereof, unedited, at or near each place an alleged violation referred to in the citation occurred, except as provided below. Where, because of the nature of the employing office's operations, it is not practicable to post the citation at or near each place of alleged violation, such citation shall be posted, unedited, in a prominent place where it will be readily observable by all affected employees. For example, where employing of-

fices are engaged in activities which are physically dispersed, the citation may be posted at the location to which employees report each day. Where employees do not primarily work at or report to a single location, the citation may be posted at the location from which the employees operate to carry out their activities. When a citation contains security information as defined in Title 2 of the U.S. Code, section 1979, the General Counsel may edit or redact the security information from the copy of the citation used for posting or may provide to the employing office a notice for posting that describes the alleged violation without referencing the security information. The employing office shall take steps to ensure that the citation or notice is not altered, defaced, or covered by other material. Notices of de minimis violations need not be posted.

(b) Each citation, notice, or a copy thereof, shall remain posted until the violation has been abated, or for 3 working days, whichever is later. The pendency of any proceedings regarding the citation shall not affect its posting responsibility under this section unless and until the Board issues a final order vacating the citation.

* * * * *

§ 4.15 Informal Conferences.

At the request of an affected employing office, employee, or representative of employees, the General Counsel may hold an informal conference for the purpose of discussing any issues raised by an inspection, citation, or notice issued by the General Counsel. Any settlement entered into by the parties at such conference shall be subject to the approval of the Executive Director under section 414 of the CAA and section [9.05] 9.03 of these rules. If the conference is requested by the employing office, an affected employee or the employee's representative shall be afforded an opportunity to participate, at the discretion of the General Counsel. If the conference is requested by an employee or representative of employees, the employing office shall be afforded an opportunity to participate, at the discretion of the General Counsel. Any party may be represented by counsel at such conference.

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SUBPART E—COMPLAINTS**§ 5.01 Complaints****§ 5.02 Appointment of the Hearing Officer****§ 5.03 Dismissal, Summary Judgment, and Withdrawal of Complaint****§ 5.04 Confidentiality****§ 5.01 Complaints.**

(a) *Who May File.*

(1) An employee who has completed the mediation period under section 2.04 may timely file a complaint with the Office alleging any violation of sections 201 through 207 of the Act [,] under the Genetic Information Non-discrimination Act, or any other statute made applicable under the Act.

(2) The General Counsel may timely file a complaint alleging a violation of section 210, 215 or 220 of the Act.

(b) *When to File.*

(1) A complaint may be filed by an employee no sooner than 30 days after the date of receipt of the notice under section 2.04(i), but no later than 90 days after receipt of that notice. In cases where a complaint is filed with the Office sooner than 30 days after the date of receipt of the notice under section 2.04(i), the Executive Director, at his or her discretion, may return the complaint to the employee for filing during the prescribed period without prejudice and with an explanation of the prescribed period of filing.

* * * * *

(c) *Form and Contents.*

(1) *Complaints Filed by Covered Employees.* A complaint shall be **in writing and may be written or typed on a complaint form available from the Office.** All complaints shall be signed by the covered employee, or his or her representative, and shall contain the following information:

(i) the name, mailing and e-mail addresses, and telephone number(s) of the complainant;

(v) a brief description of why the complainant believes the challenged conduct is a violation of the Act or the relevant sections of the **Genetic Information Nondiscrimination Act** and the section(s) of the Act involved;

(vii) the name, mailing and e-mail addresses, and telephone number of the representative, if any, who will act on behalf of the complainant.

(2) *Complaints Filed by the General Counsel.* A complaint filed by the General Counsel shall be in writing, signed by the General Counsel or his designee and shall contain the following information:

(i) the name, mail and e-mail addresses, if available, and telephone number of, as applicable, (A) each entity responsible for correction of an alleged violation of section 210(b), (B) each employing office alleged to have violated section 215, or (C) each employing office and/or labor organization alleged to have violated section 220, against which complaint is brought;

(e) *Service of Complaint.* Upon receipt of a complaint or an amended complaint, the Office shall serve the respondent, or its designated representative, by hand delivery **[or certified mail]** or first class mail, e-mail, or facsimile with a copy of the complaint or amended complaint and **[a copy of these rules]** written notice of the availability of these rules at **www.compliance.gov.** A copy of these rules may also be provided if requested by either party. The Office shall include a service list containing the names and addresses of the parties and their designated representatives.

(f) *Answer.* Within 15 days after receipt of a copy of a complaint or an amended complaint, the respondent shall file an answer with the Office and serve one copy on the complainant. **[The answer shall contain a statement of the position of the respondent on each of the issues raised in the complaint or amended complaint, including admissions, denials, or explanations of each allegation made in the complaint and any affirmative defenses or other defenses to the complaint.]** In answering a complaint, a party must state in short and plain terms its defenses to each claim asserted against it and admit or deny the allegations asserted against it by an opposing party. Failure to **[file an answer]** deny an allegation, other than one relating to the amount of damages, or to raise a claim or defense as to any allegation(s) shall constitute an admission of such allegation(s). Affirmative defenses not raised in an answer that could have reasonably been anticipated based on the facts alleged in the complaint shall be deemed waived. A respondent's motion for leave to amend an answer to interpose a denial or affirmative defense will ordinarily be granted unless to do so would unduly prejudice the rights of the other party or unduly delay or otherwise interfere with or impede the proceedings.

(g) *Motion to Dismiss.* In addition to an answer, a respondent may file a motion to dismiss, or other responsive pleading with the Office and serve one copy on the complainant. Responses to any motions shall be in compliance with section 1.04(c) of these rules.

(h) *Confidentiality.* The fact that a complaint has been filed with the Office by a covered employee shall be kept confidential by the Office, except as allowed by these rules.

§ 5.02 Appointment of the Hearing Officer.

Upon the filing of a complaint, the Executive Director will appoint an independent Hearing Officer, who shall have the authority specified in sections 5.03 and 7.01(b) below. The Hearing Officer shall not be the Counselor involved in or the **[neutral]** Mediator who mediated the matter under sections 2.03 and 2.04 of these rules.

§ 5.03 Dismissal, Summary Judgment and Withdrawal of Complaints.

(f) *Withdrawal of Complaint by Complainant.*

At any time a complainant may withdraw his or her own complaint by filing a notice with the Office for transmittal to the Hearing Officer and by serving a copy on the employing office or representative. Any such withdrawal must be approved by the Hearing Officer and may be with or without prejudice to refile at the Hearing Officer's discretion, consistent with section 404 of the CAA.

(g) *Withdrawal of Complaint by the General Counsel.* At any time prior to the opening of the hearing the General Counsel may withdraw his complaint by filing a notice with the Executive Director and the Hearing Officer and by serving a copy on the respondent. After opening of the hearing, any such withdrawal must be approved by the Hearing Officer and may be with or without prejudice to refile at the Hearing Officer's discretion, consistent with section 404 of the CAA.

(h) *Withdrawal From a Case by a Representative.* A representative must provide sufficient notice to the Hearing Officer and the parties of record of his or her withdrawal. Until the party designates another representative in writing, the party will be regarded as pro se.

§ 5.04 Confidentiality.

Pursuant to section 416(c) of the Act, except as provided in sub-sections 416(d), (e) and (f), all proceedings and deliberations of Hearing Officers and the Board, including any related records, shall be confidential. Section 416(c) does not apply to proceedings under section 215 of the Act, but does apply to the deliberations of Hearing Officers and the Board under section 215. A violation of the confidentiality requirements of the Act and these rules **[could]** may result in the imposition of procedural or evidentiary sanctions. **[Nothing in these rules shall prevent the Executive Director from reporting statistical information to the Senate and House of Representatives, so long as that statistical information does not reveal the identity of the employees involved or of employing offices that are the subject of a matter.]** See also sections 1.06 1.08 1.07 1.09 and 7.12 of these rules.

SUBPART F—DISCOVERY AND SUBPOENAS

§ 6.01 Discovery

§ 6.02 Requests for Subpoenas

§ 6.03 Service

§ 6.04 Proof of Service

§ 6.05 Motion to Quash

§ 6.06 Enforcement

§ 6.01 *Discovery.* (a) **[Explanation]** *Description.* Discovery is the process by which a party may obtain from another person, including a party, information, not privileged, reasonably calculated to lead to the discovery of admissible evidence, for the purpose of assisting that party in developing, preparing and presenting its case at the hearing. No discovery, oral or written, by any party shall **[This provision shall not be construed to permit any discovery, oral or written, to]** be taken of or from an employee of the Office of Compliance, **[or the]** Counselor **[(s)],** or Mediator **[(The neutral(s) involved in counseling and mediation.)]**, including files, records, or notes produced during counseling and mediation and maintained by the Office.

(b) *Initial Disclosure.* **[Office Policy Regarding Discovery.** It is the policy of the Office to en-

courage the early and voluntary exchange of relevant and material nonprivileged information between the parties, including the names and addresses of witnesses and copies of relevant and material documents, and to encourage Hearing Officers to develop procedures which allow for the greatest exchange of relevant and material information and which minimizes the need for parties to formally request such information.] Within 14 days after the pre-hearing conference or as soon as the information is known, and except as otherwise stipulated or ordered by the Hearing Officer, a party must, without awaiting a discovery request, provide to the other parties: the name and, if known, mail and e-mail addresses and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses; and a copy or a description by category and location of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses.

(c) *Discovery Availability.* Pursuant to section 405(e) of the Act, the Hearing Officer in his or her discretion may permit reasonable prehearing discovery. In exercising that discretion, the Hearing Officer may be guided by the Federal Rules of Civil Procedure and the underlying statute.

(1) The **[Hearing Officer may authorize]** parties may take discovery by one or more of the following methods: depositions upon oral examination or written questions; written interrogatories; production of documents or things or permission to enter upon land or other property for inspection or other purposes; physical and mental examinations; and requests for admission.

(2) The Hearing Officer may adopt standing orders or make any order setting forth the forms and extent of discovery, including orders limiting the number of depositions, interrogatories, and requests for production of documents, and may also limit the length of depositions.

(d) *Claims of Privilege.*

(1) *Information Withheld.* Whenever a party withholds information otherwise discoverable under these rules by claiming that it is privileged or confidential or subject to protection as hearing or trial preparation materials, the party shall make the claim expressly in writing and shall describe the nature of the documents, communications or things not produced or disclosed in a manner that, without revealing the information itself privileged or protected, will enable other parties to assess the applicability of the privilege or protection. A party must make a claim for privilege no later than the due date for the production of the information. (2) *Information Produced As Inadvertent Disclosure.* If information produced in discovery is subject to a claim of privilege or of protection as hearing preparation material, the party making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the Hearing Officer or the Board under seal for a determination of the claim. The producing party must preserve the information until the claim is resolved.

§ 6.02 Request for Subpoena.

(a) *Authority to Issue Subpoenas.* At the request of a party, a Hearing Officer may issue subpoenas for the attendance and testimony of witnesses and for the production of correspondence, books, papers, documents, or other records. The attendance of witnesses and the production of records may be required from any place within the United States. However, no subpoena requested by any

party may be issued for the attendance or testimony of an employee [with] of the Office of Compliance, a Counselor or a Mediator, acting in their official capacity, including files, records, or notes produced during counseling and mediation and maintained by the Office. Employing offices shall make their employees available for discovery and hearing without requiring a subpoena.

(d) *Rulings.* The Hearing Officer shall promptly rule on the request for the subpoena.

* * * * *

SUBPART G—HEARINGS

§ 7.01 The Hearing Officer

§ 7.02 Sanctions

§ 7.03 Disqualification of the Hearing Officer

§ 7.04 Motions and Prehearing Conference

§ 7.05 Scheduling the Hearing

§ 7.06 Consolidation and Joinder of Cases

§ 7.07 Conduct of Hearing; Disqualification of Representatives

§ 7.08 Transcript

§ 7.09 Admissibility of Evidence

§ 7.10 Stipulations

§ 7.11 Official Notice

§ 7.12 Confidentiality

§ 7.13 Immediate Board Review of a Ruling by a Hearing Officer

§ 7.14 Proposed Findings of Fact and Conclusions of Law; Posthearing Briefs

§ 7.15 Closing the Record of the Hearing

§ 7.16 Hearing Officer Decisions; Entry in Records of the Office; Corrections to the Record; Motions to Alter, Amend or Vacate the Decision.

§ 7.01 The Hearing Officer.

(b) *Authority.* Hearing Officers shall conduct fair and impartial hearings and take all necessary action to avoid undue delay in the disposition of all proceedings. They shall have all powers necessary to that end unless otherwise limited by law, including, but not limited to, the authority to:

(14) maintain and enforce the confidentiality of proceedings; and

§ 7.02 Sanctions.

(b) The Hearing Officer may impose sanctions upon the parties under, but not limited to, the circumstances set forth in this section.

(1) *Failure to Comply with an Order.* When a party fails to comply with an order (including an order for the taking of a deposition, for the production of evidence within the party's control, or for production of witnesses), the Hearing Officer may:

[(a)](A) draw an inference in favor of the requesting party on the issue related to the information sought;

[(b)](B) stay further proceedings until the order is obeyed;

[(c)](C) prohibit the party failing to comply with such order from introducing evidence concerning, or otherwise relying upon, evidence relating to the information sought;

[(d)](D) permit the requesting party to introduce secondary evidence concerning the information sought;

[(e)](E) strike, in whole or in part, *[any part of]* the complaint, briefs, answer, or other submissions of the party failing to comply with the order, as appropriate;

[(f)](F) direct judgment against the non-complying party in whole or in part.*[(g)]* or *[(g)]*

[(g)] order that the non-complying party, or the representative advising that party, pay all or part of the attorney's fees and reasonable expenses of the other party or parties or of the Office, caused by such non-compliance, unless the Hearing Officer or the Board finds that the fail-

ure was substantially justified or that other circumstances make an award of attorney's fees and/or expenses unjust. *[(g)]*

(2) *Failure to Prosecute or Defend.* If a party fails to prosecute or defend a position, the Hearing Officer may dismiss the action with prejudice or *[rule for the complainant]* decide the matter, where appropriate.

(4) *Filing of frivolous claims.* If a party files a frivolous claim, the Hearing Officer may dismiss the claim, *sua sponte*, in whole or in part, with prejudice or decide the matter for the party alleging the filing of the frivolous claim.

(5) *Failure to maintain confidentiality.* An allegation regarding a violation of the confidentiality provisions may be made to a Hearing Officer in proceedings under Section 405 of the CAA. If, after notice and hearing, the Hearing Officer determines that a party has violated the confidentiality provisions, the Hearing Officer may:

(A) direct that the matters related to the breach of confidentiality or other designated facts be taken as established for purposes of the action, as the prevailing party claims;

(B) prohibit the party breaching confidentiality from supporting or opposing designated claims or defenses, or from introducing designated matters in evidence;

(C) strike the pleadings in whole or in part;

(D) stay further proceedings until the breach of confidentiality is resolved to the extent possible;

(E) dismiss the action or proceeding in whole or in part; or

(F) render a default judgment against the party breaching confidentiality.

(c) No sanctions may be imposed under this section except for good cause and the particulars of which must be stated in the sanction order.

* * * * *

§ 7.04 Motions and Prehearing Conference.

(b) *Scheduling of the Prehearing Conference.* Within 7 days after assignment, the Hearing Officer shall serve on the parties and their designated representatives written notice setting forth the time, date, and place of the prehearing conference, except that the Executive Director may, for good cause, extend up to an additional 7 days the time for serving notice of the prehearing conference.

(c) *Prehearing Conference Memoranda.* The Hearing Officer may order each party to prepare a prehearing conference memorandum. At his or her discretion, the Hearing Officer may direct the filing of the memorandum after discovery by the parties has concluded. *[(That)]* The memorandum may include:

(3) the specific relief, including, where known, a calculation of *[(the amount of)]* any monetary relief *[(or)]* damages that is being or will be requested;

(4) the names of potential witnesses for the party's case, except for potential impeachment or rebuttal witnesses, and the purpose for which they will be called and a list of documents that the party is seeking from the opposing party, and, if discovery was permitted, the status of any pending request for discovery. (It is not necessary to list each document requested. Instead, the party may refer to the request for discovery.); and

(d) At the prehearing conference, the Hearing Officer may discuss the subjects specified in paragraph (c) above and the manner in which the hearing will be conducted *[(and proceed)]*. In addition, the Hearing Officer may explore settlement possibilities and consider how the factual and legal issues might be simplified and any other issues that might expedite the resolution of the dispute. The Hearing Officer shall issue an order, which recites the action taken at the

conference and the agreements made by the parties as to any of the matters considered and which limits the issues to those not disposed of by admissions, stipulations, or agreements of the parties. Such order, when entered, shall control the course of the proceeding, subject to later modification by the Hearing Officer by his or her own motion or upon proper request of a party for good cause shown.

§ 7.05 Scheduling the Hearing.

(b) *Motions for Postponement or a Continuance.* Motions for postponement or for a continuance by either party shall be made in writing to the *[(Office)]* Hearing Officer, shall set forth the reasons for the request, and shall state whether the opposing party consents to such postponement. Such a motion may be granted by the Hearing Officer upon a showing of good cause. In no event will a hearing commence later than 90 days after the filing of the complaint.

§ 7.06 Consolidation and Joinder of Cases.

(b) *Authority.* The Executive Director prior to the assignment of a complaint to a Hearing Officer; a Hearing Officer during the hearing; or the Board *[(the Office, or a Hearing Officer)]* during an appeal may consolidate or join cases on their own initiative or on the motion of a party if to do so would expedite processing of the cases and not adversely affect the interests of the parties, taking into account the confidentiality requirements of section 416 of the Act.

§ 7.07 Conduct of Hearing; Disqualification of Representatives.

(c) No later than the opening of the hearing, or as otherwise ordered by the Hearing Officer, each party shall submit to the Hearing Officer and to the opposing party typed lists of the hearing exhibits and the witnesses expected to be called to testify, excluding impeachment or rebuttal witnesses *[(expected to be called to testify)]*.

(f) Failure of either party to appear, present witnesses, or respond to an evidentiary order may result in an adverse finding or ruling by the Hearing Officer. At the discretion of the Hearing Officer, the hearing may also be held in the absence of the complaining party if the representative for that party is present.

[(f)](g) If the Hearing Officer concludes that a representative of an employee, a witness, a charging party, a labor organization, an employing office, or an entity alleged to be responsible for correcting a violation has a conflict of interest, he or she may, after giving the representative an opportunity to respond, disqualify the representative. In that event, within the time limits for hearing and decision established by the Act, the affected party shall be afforded reasonable time to retain other representation.

§ 7.08 Transcript.

(b) *Corrections.* Corrections to the official transcript will be permitted. Motions for correction must be submitted within 10 days of service of the transcript upon the *[(party)]* parties. Corrections of the official transcript will be permitted only upon approval of the Hearing Officer. The Hearing Officer may make corrections at any time with notice to the parties.

§ 7.12 Confidentiality.

(a) Pursuant to section 416 of the Act and section 1.08 of these Rules, all proceedings and deliberations of Hearing Officers and the Board, including the transcripts of hearings and any related records, shall be confidential, except as specified in sections 416(d), (e),

and (f) of the Act and section 1.08(d) of these Rules. All parties to the proceeding and their representatives, and witnesses who appear at the hearing, will be advised of the importance of confidentiality in this process and of their obligations, subject to sanctions, to maintain it. This provision shall not apply to proceedings under section 215 of the Act, but shall apply to the deliberations of Hearing Officers and the Board under that section.

(b) Violation of Confidentiality. An allegation regarding a violation of confidentiality occurring during a hearing may be resolved by a Hearing Officer in proceedings under Section 405 of the CAA. After providing notice and an opportunity to the parties to be heard, the Hearing Officer, in accordance with section 1.08(f) of these Rules, may make a finding of a violation of confidentiality and impose appropriate procedural or evidentiary sanctions, which may include any of the sanctions listed in section 7.02 of these Rules.

§ 7.13 Immediate Board Review of a Ruling by a Hearing Officer.

(b) Time for Filing. A motion by a party for interlocutory review of a ruling of the Hearing Officer shall be filed with the Hearing Officer within 5 days after service of the ruling upon the parties. The motion shall include arguments in support of both interlocutory review and the determination requested to be made by the Board upon review. Responses, if any, shall be filed with the Hearing Officer within 3 days after service of the motion.

[(b)](c) Standards for Review. In determining whether to certify and forward a request for interlocutory review to the Board, the Hearing Officer shall consider all of the following:

[(c)] Time for Filing. A motion by a party for interlocutory review of a ruling of the Hearing Officer shall be filed with the Hearing Officer within 5 days after service of the ruling upon the parties. The motion shall include arguments in support of both interlocutory review and the determination requested to be made by the Board upon review. Responses, if any, shall be filed with the Hearing Officer within 3 days after service of the motion.]

(d) Hearing Officer Action. If all the conditions set forth in paragraph [(b)](c) above are met, the Hearing Officer shall certify and forward a request for interlocutory review to the Board for its immediate consideration. Any such submission shall explain the basis on which the Hearing Officer concluded that the standards in paragraph [(b)](c) have been met. The decision of the Hearing Officer to forward or decline to forward a request for review is not appealable.

(e) Grant of Interlocutory Review Within Board's Sole Discretion. Upon the Hearing Officer's certification and decision to forward a request for review, [T]he Board, in its sole discretion, may grant interlocutory review. The Board's decision to grant or deny interlocutory review is not appealable.

[(g)] Denial of Motion not Appealable; Mandamus. The grant or denial of a motion for a request for interlocutory review shall not be appealable. The Hearing Officer shall promptly bring a denial of such a motion, and the reasons therefor, to the attention of the Board. If, upon consideration of the motion and the reason for denial, the Board believes that interlocutory review is warranted, it may grant the review *sua sponte*. In addition, the Board may in its discretion, in extraordinary circumstances, entertain directly from a party a writ of mandamus to review a ruling of a Hearing Officer.]

[(h)](g) Procedures before Board. Upon its [acceptance of a ruling of the Hearing Officer for] decision to grant interlocutory review, the Board shall issue an order setting forth the procedures that will be followed in the conduct of that review.

[(i)](h) Review of a Final Decision. Denial of interlocutory review will not affect a party's right to challenge rulings, which are otherwise appealable, as part of an appeal to the Board under section 8.01 from the Hearing Officer's decision issued under section 7.16 of these rules.

§ 7.14 Proposed Findings of Fact and Conclusions of Law; Posthearing Briefs.

[(a)] May be [Filed] Required. The Hearing Officer may [permit] require the parties to file proposed findings of fact and conclusions of law and/or posthearing briefs on the factual and the legal issues presented in the case.

[(b)] Length. No principal brief shall exceed 50 pages, or 12,500 words, and no reply brief shall exceed 25 pages, or 6,250 words, exclusive of tables and pages limited only to quotations of statutes, rules, and the like. Motions to file extended briefs shall be granted only for good cause shown; the Hearing Officer may in his or her discretion also reduce the page limits. Briefs in excess of 10 pages shall include an index and a table of authorities.

[(c)] Format. Every brief must be easily readable. Briefs must have double spacing between each line of text, except for quoted texts and footnotes, which may be single-spaced.]

§ 7.15 Closing the Record of the Hearing.

(a) Except as provided in section 7.14, the record shall be closed at the conclusion of the hearing. However, when the Hearing Officer allows the parties to submit argument, briefs, documents or additional evidence previously identified for introduction, the record will remain open for as much time as the Hearing Officer grants for that purpose. [Additional evidence previously identified for introduction, the Hearing Officer may allow an additional period before the conclusion of the hearing as is necessary for that purpose.]

(b) Once the record is closed, no additional evidence or argument shall be accepted into the hearing record except upon a showing that new and material evidence has become available that was not available despite due diligence prior to the closing of the record or it is in rebuttal to new evidence or argument submitted by the other party just before the record closed. [However, the] The Hearing Officer shall also make part of the record any [motions for attorney fees, supporting documentation, and determinations thereon, and] approved correction to the transcript.

§ 7.16 Hearing Officer Decisions; Entry in Records of the Office; Corrections to the Record; Motions to Alter, Amend or Vacate the Decision.

(b) The Hearing Officer's written decision shall:

- (1) state the issues raised in the complaint;
- (2) describe the evidence in the record;
- (3) contain findings of fact and conclusions of law, and the reasons or bases therefore, on all the material issues of fact, law, or discretion that were presented on the record;
- (4) contain a determination of whether a violation has occurred; and
- (5) order such remedies as are appropriate under the CAA.

[(b)](c) Upon issuance, the decision and order of the Hearing Officer shall be entered into the records of the Office.

[(c)](d) The Office shall promptly provide a copy of the decision and order of the Hearing Officer to the parties.

[(d)](e) If there is no appeal of a decision and order of a Hearing Officer, that decision becomes a final decision of the Office, which is subject to enforcement under section 8.03 of these rules.

[(f)] Corrections to the Record. After a decision of the Hearing Officer has been issued, but before an appeal is made to the Board, or in the absence of an appeal, before the decision becomes final, the Hearing Officer may issue an erratum notice to correct simple errors

or easily correctible mistakes. The Hearing Officer may do so on motion of the parties or on his or her own motion with or without advance notice.

[(g)] After a decision of the Hearing Officer has been issued, but before an appeal is made to the Board, or in the absence of an appeal, before the decision becomes final, a party to the proceeding before the Hearing Officer may move to alter, amend or vacate the decision. The moving party must establish that relief from the decision is warranted because: (1) of mistake, inadvertence, surprise, or excusable neglect; (2) there is newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new hearing; (3) there has been fraud, misrepresentation, or misconduct by an opposing party; (4) the decision is void; or (5) the decision has been satisfied, released, or discharged; it is based on an earlier decision that has been reversed or vacated; or applying it prospectively is no longer equitable. The motion shall be filed within 15 days after service of the Hearing Officer's decision. No response shall be filed unless the Hearing Officer so orders. The filing and pendency of a motion under this provision shall not relieve a party of the obligation to file a timely appeal or operate to stay the action of the Hearing Officer unless so ordered by the Hearing Officer.

SUBPART H—PROCEEDINGS BEFORE THE BOARD

§ 8.01 Appeal to the Board

§ 8.02 Reconsideration

§ 8.03 Compliance with Final Decisions, Requests for Enforcement

§ 8.04 Judicial Review

§ 8.05 Application for Review of an Executive Director Action

§ 8.06 Exceptions to Arbitration Awards

§ 8.07 Expedited Review of Negotiability

§ 8.08 Procedures of the Board in Impasse Proceedings

§ 8.01 Appeal to the Board.

(a) No later than 30 days after the entry of the final decision and order of the Hearing Officer in the records of the Office, an aggrieved party may seek review of that decision and order by the Board by filing with the Office a petition for review by the Board. The appeal must be served on the opposing party or its representative.

(3) [(Upon written delegation by the Board,)] In any case in which the Board has not rendered a determination on the merits, the Executive Director is authorized to; determine any request for extensions of time to file any post-petition for review document or submission with the Board [in any case in which the Executive Director has not rendered a determination on the merits.]; determine any request for enlargement of page limitation of any post-petition for review document or submission with the Board; or require proof of service where there are questions of proper service. [Such delegation shall continue until revoked by the Board.]

(d) Upon appeal, the Board shall issue a written decision setting forth the reasons for its decision. The Board may dismiss the appeal or affirm, reverse, modify or remand the decision and order of the Hearing Officer in whole or in part. Where there is no remand the decision of the Board shall be entered in the records of the Office as the final decision of the Board and shall be subject to judicial review.

(e) The Board may remand the matter to [the] a Hearing Officer for further action or proceedings, including the reopening of the record for the taking of additional evidence. The decision by the Board to remand a case is not subject to judicial review under Section 407 of the Act. The procedures for a remanded hearing shall be governed by subparts F, G, and H of these Rules. The Hearing Officer shall render a decision or report to the Board, as ordered, at the conclusion of proceedings on the remanded matters. [Upon receipt of the decision or report, the Board shall determine whether the views of the parties on the content of the decision or report

should be obtained in writing and, where necessary, shall fix by order the time for the submission of those views.] A decision of the Board following completion of the remand shall be entered in the records of the Office as the final decision of the Board and shall be subject to judicial review under Section 407 of the Act.

(h) Record. The docket sheet, complaint and any amendments, notice of hearing, answer and any amendments, motions, rulings, orders, stipulations, exhibits, documentary evidence, any portions of depositions admitted into evidence, docketed Memoranda for the Record, or correspondence between the Office and the parties, and the transcript of the hearing (together with any electronic recording of the hearing if the original reporting was performed electronically) together with the Hearing Officer's decision and the petition for review, any response thereto, any reply to the response and any other pleadings shall constitute the record in the case.

(j) An appellant may move to withdraw a petition for review at any time before the Board renders a decision. The motion must be in writing and submitted to the Board. The Board, at its discretion, may grant such a motion and take whatever action is required.

§ 8.02 Reconsideration.

After a final decision or order of the Board has been issued, a party to the proceeding before the Board, who can establish in its moving papers that reconsideration is necessary because the Board has overlooked or misapprehended points of law or fact, may move for reconsideration of such final decision or order. The motion shall be filed within 15 days after service of the Board's decision or order. No response shall be filed unless the Board so orders. The filing and pendency of a motion under this provision shall not relieve a party of the obligation to file a timely appeal or operate to stay the action of the Board unless so ordered by the Board. The decision to grant or deny a motion for reconsideration is within the sole discretion of the Board and is not appealable.

§ 8.03 Compliance with Final Decisions, Requests for Enforcement.

(a) Unless the Board has, in its discretion, stayed the final decision of the Office during the pendency of an appeal pursuant to section 407 of the Act, and except as provided in sections 210(d)(5) and 215(c)(6) of the Act, a party required to take any action under the terms of a final decision of the Office shall carry out its terms promptly, and shall within 30 days after the decision or order becomes final and goes into effect by its terms, provide the Office and all other parties to the proceedings with a compliance report specifying the manner in which compliance with the provisions of the decision or order has been accomplished. If complete compliance has not been accomplished within 30 days, the party required to take any such action shall submit a compliance report specifying why compliance with any provision of the decision or order has not yet been fully accomplished, the steps being taken to assure full compliance, and the anticipated date by which full compliance will be achieved. A party may also file a petition for attorney's fees and/or damages unless the Board has, in its discretion, stayed the final decision of the Office during the pendency of the appeal pursuant to Section 407 of the Act.

(d) To the extent provided in Section 407(a) of the Act and Section 8.04 of this section, the appropriate [Any] party may petition the Board for enforcement of a final decision of the Office or the Board. The petition shall specifically set

forth the reasons why the petitioner believes enforcement is necessary.

§ 8.05 Application for Review of an Executive Director Action.

For additional rules on the procedures pertaining to the Board's review of an Executive Director action in Representation proceedings, refer to Parts 2422.30–31 of the Substantive Regulations of the Board, available at www.compliance.gov.

§ 8.06 Expedited Review of Negotiability Issues.

For additional rules on the procedures pertaining to the Board's expedited review of negotiability issues, refer to Part 2424 of the Substantive Regulations of the Board, available at www.compliance.gov.

§ 8.07 Review of Arbitration Awards.

For additional rules on the procedures pertaining to the Board's review of arbitration awards, refer to Part 2425 of the Substantive Regulations of the Board, available at www.compliance.gov.

§ 8.08 Procedures of the Board in Impasse Proceedings.

For additional rules on the procedures of the Board in impasse proceedings, refer to Part 2471 of the Substantive Regulations of the Board, available at www.compliance.gov.

SUBPART I—OTHER MATTERS OF GENERAL APPLICABILITY

[§ 9.01 Filing, Service and Size Limitations of Motions, Briefs, Responses and other Documents.]

§ 9.02 Signing of Pleadings, Motions and Other Filings; Violations of Rules; Sanctions]

[§ 9.03] § 9.01 Attorney's Fees and Costs

[§ 9.04] § 9.02 Ex parte Communications

[§ 9.05] § 9.03 Informal Resolutions and Settlement Agreements

[§ 9.06] § 9.04 Revocation, Amendment or Waiver of Rules

[§ 9.01 Filing, Service, and Size Limitations of Motions, Briefs, Responses and Other Documents.]

(a) Filing with the Office; Number. One original and three copies of all motions, briefs, responses, and other documents, must be filed, whenever required, with the Office or Hearing Officer. However, when a party aggrieved by the decision of a Hearing Officer or a party to any other matter or determination reviewable by the Board files an appeal or other submission with the Board, one original and seven copies of any submission and any responses must be filed with the Office. The Office, Hearing Officer, or Board may also request a party to submit an electronic version of any submission in a designated format, with receipt confirmed by electronic transmittal in the same format.

(b) Service. The parties shall serve on each other one copy of all motions, briefs, responses and other documents filed with the Office, other than the request for counseling, the request for mediation and complaint. Service shall be made by mailing or by hand delivering a copy of the motion, brief, response or other document to each party, or if represented, the party's representative, on the service list previously provided by the Office. Each of these documents, must be accompanied by a certificate of service specifying how, when and on whom service was made. It shall be the duty of each party to notify the Office and all other parties in writing of any changes in the names or addresses on the service list.

(c) Time Limitations for Response to Motions or Briefs and Reply. Unless otherwise specified by the Hearing Officer or these rules, a party shall file a response to a motion or brief within 15 days of the service of the motion or brief upon the party. Any reply to such response shall be filed and served within 5 days of the service of the response. Only with the Hearing Officer's advance approval may either party file additional responses or replies.

(d) Size Limitations. Except as otherwise specified by the Hearing Officer or these rules, no brief, motion, response, or supporting memorandum filed with the Office shall exceed 35 pages, or 8,750 words, exclusive of the table of contents, table of authorities and attachments. The Board, the Office, Executive Director, or Hearing Officer may waive, raise or reduce this limitation for good cause shown or on its own initiative. Briefs, motions, responses, and supporting memoranda shall be on standard letter-size paper (8-1/2" x 11").

§ 9.02 Signing of Pleadings, Motions and Other Filings; Violation of Rules; Sanctions

Every pleading, motion, and other filing of a party represented by an attorney or other designated representative shall be signed by the attorney or representative. A party who is not represented shall sign the pleading, motion or other filing. The signature of a representative or party constitutes a certificate by the signer that the signer has read the pleading, motion, or other filing; that to the best of the signer's knowledge, information, and belief formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. If a pleading, motion, or other filing is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the person who is required to sign. If a pleading, motion, or other filing is signed in violation of this rule, a Hearing Officer or the Board, as appropriate, upon motion or upon its own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or other filing, including a reasonable attorney's fee. A Hearing Officer, the Executive Director, or the Board, as appropriate, upon motion or its own initiative may also impose an appropriate sanction, which may include the sanctions specified in section 7.02, for any other violation of these rules that does not result from reasonable error.]

[§ 9.03] § 9.01 Attorney's Fees and Costs

(a) Request. No later than [20] 30 days after the entry of a final [Hearing Officer's] decision of the Office, [under section 7.16, or after service of a Board decision by the Office the complainant, if he or she is a] the prevailing party[,] may submit to the Hearing Officer or Arbitrator who [heard] decided the case initially a motion for the award of reasonable attorney's fees and costs, following the form specified in paragraph (b) below. [All motions for attorney's fees and costs shall be submitted to the Hearing Officer.] The Hearing Officer or Arbitrator, after giving the respondent an opportunity to reply, shall rule on the motion. Decisions regarding attorney's fees and costs are collateral and do not affect the finality or appealability of a final decision issued by the [Hearing Officer] Office. [A ruling on a motion for attorney's fees and costs may be appealed together with the final decision of the Hearing Officer. If the motion for attorney's fees is ruled on after the final decision has been issued by the Hearing Officer, the ruling may be appealed in the same manner as a final decision, pursuant to section 8.01 of these Rules.]

(b) Form of Motion. In addition to setting forth the legal and factual bases upon which the attorney's fees and/or costs are sought, a motion for an award of attorney's fees and/or costs shall be accompanied by:

(3) the attorney's customary billing rate for similar work with evidence that the rate is consistent with the prevailing community rate for similar

services in the community in which the attorney ordinarily practices; [and]

(4) an itemization of costs related to the matter in question [; and]

(5) evidence of an established attorney-client relationship.

[§9.04] §9.02 Ex parte Communications

(a) *Definitions.*

(3) For purposes of section **[9.04] 9.02**, the term *proceeding* means the complaint and hearing proceeding under section 405 of the CAA, an appeal to the Board under section 406 of the CAA, a pre-election investigatory hearing under section 220 of the CAA, and any other proceeding of the Office established pursuant to regulations issued by the Board under the CAA

(c) *Prohibited Ex Parte Communications and Exceptions.*

(2) The Hearing Officer or the Office may initiate attempts to settle a matter at any time. The parties may agree to waive the prohibitions against ex parte communications during settlement discussions, and they may agree to any limits on the waiver.

—Renumber subsequent paragraphs—

[§9.05] §9.03 Informal Resolutions and Settlement Agreements.

(b) *Formal Settlement Agreement.* The parties may agree formally to settle all or part of a disputed matter in accordance with section 414 of the Act. In that event, the agreement shall be in writing and submitted to the Executive Director for review and approval. The settlement is not effective until it has been approved by the Executive Director. If the Executive Director does not approve the settlement, such disapproval shall be in writing, shall set forth the grounds therefor, and shall render the settlement ineffective.

(c) *Requirements for a Formal Settlement Agreement.* A formal settlement agreement requires the signature of all parties or their designated representatives on the agreement document before the agreement can be submitted to the Executive Director for signature. A formal settlement agreement should not be submitted to the Executive Director for signature until the appropriate revocation periods have expired. A formal settlement agreement cannot be rescinded after the signatures of all parties have been affixed to the agreement, unless by written revocation of the agreement voluntarily signed by all parties, or as otherwise permitted by law.

(d) *Violation of a Formal Settlement Agreement.* If a party should allege that a formal settlement agreement has been violated, the issue shall be determined by reference to the formal dispute resolution procedures of the agreement. Settlements should include specific dispute resolution procedures. If the *[particular]* formal settlement agreement does not have a stipulated method for dispute resolution of an alleged violation *[of the agreement]*, the Office may provide assistance in resolving the dispute, including the services of a Mediator at the discretion of the Executive Director. *[The following dispute resolution procedure shall be deemed to be a part of each formal settlement agreement approved by the Executive Director pursuant to section 414 of the Act:]* Where the settlement agreement does not have a stipulated method for resolving violation allegations, [Any complaint] an allegation [regarding] of a violation [of a formal settlement agreement] may be filed with the Executive Director, but no later than 60 days after the party to the agreement becomes aware of the alleged violation. Such [complaints] may be referred by the Executive Director to a Hear-

ing Officer for a final decision. The procedures for hearing and determining such complaints shall be governed by subparts F, G, and H of these Rule.] allegations will be reviewed, investigated or mediated by the Executive Director or designee, as appropriate.

[§9.06] §9.04 Payments required pursuant to Decisions, Awards, or Settlements under section 415(a) of the Act

Whenever a final decision or award pursuant to sections 405(g), 406(e), 407, or 408 of the Act, or an approved settlement pursuant to section 414 of the Act, require the payment of funds pursuant to section 415(a) of the Act, the decision, award, or settlement shall be submitted to the Executive Director to be processed by the Office for requisition from the account of the Office of Compliance in the Department of the Treasury, and payment. No payment shall be made from such account until the time for appeal of a decision has expired, unless a settlement has been reached in the absence of a decision to be appealed.

[§9.07] §9.05 Revocation, Amendment or Waiver of Rules

(a) The Executive Director, subject to the approval of the Board, may revoke or amend these rules by publishing proposed changes in the Congressional Record and providing for a comment period of not less than 30 days. Following the comment period, any changes to the rules are final once they are published in the Congressional Record.

(b) The Board or a Hearing Officer may waive a procedural rule contained in this Part in an individual case for good cause shown if application of the rule is not required by law.

ORDERS FOR WEDNESDAY, NOVEMBER 16, 2016

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2:30 p.m., Wednesday, November 16; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; finally, that following leader remarks, the Senate resume consideration of the motion to proceed to Calendar No. 543, S. 3110.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 2:30 P.M. TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:49 p.m., adjourned until Wednesday, November 16, 2016, at 2:30 p.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

RAINEY RANSOM BRANDT, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA, VICE LEE F. SATTERFIELD, RETIRING.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES DE-

PARTMENT OF AGRICULTURE FOR PROMOTION WITHIN THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

DAVID CHARLES MILLER, OF WASHINGTON
SCOTT S. SINDELAR, OF MINNESOTA

THE FOLLOWING-NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION WITHIN THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

ALEXANDER DICKIE IV, OF TEXAS

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT FOR APPOINTMENT AS A FOREIGN SERVICE OFFICER, A CONSULAR OFFICER, AND A SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

MARVA MICHELLE BUTLER, OF TEXAS
ADONIS MARIANO MATOS DE MELLO, OF FLORIDA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES DEPARTMENT OF AGRICULTURE FOR PROMOTION WITHIN THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

JEANNE F. BAILEY, OF ILLINOIS
CLAY M. HAMILTON, OF TEXAS
BOBBY GENE RICHEY, JR., OF TEXAS
ERIC A. WENBERG, OF WYOMING

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AS A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

ALI ABDI, OF VIRGINIA
MICHAEL LEO CONLON, OF VIRGINIA
PAUL ALLEN SPENCER-MACGREGOR, OF VIRGINIA
W. GARTH THORBURN II, OF FLORIDA
ROBERT HENRY HANSON, OF WISCONSIN

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION WITHIN THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

JIM NELSON BARNHART, JR., OF GEORGIA
ANDREW M. HERSCHOWITZ, OF CALIFORNIA
TERESA L. MCGHIE, OF NEVADA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AS A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

HAVEN G. CRUZ-HUBBARD, OF MARYLAND
TIMOTHY J. DONNAY, OF VERMONT
JOSEPH L. DORSEY, OF VIRGINIA
PETER WILLIAM DUFFY, OF NEW HAMPSHIRE
JOHN L. DUNLOP, OF VIRGINIA
MICHAEL JAMES EDDY, OF MISSOURI
GABRIEL F. GRAU, OF FLORIDA
ALER GRUBBS, OF INDIANA
ANDREW DAVID HOLLAND, OF CALIFORNIA
KAREN R. HUNTER, OF FLORIDA
JENNIFER MARIE LINK, OF ILLINOIS
SANDRA K. MINKEL, OF NEVADA
DIANE B. MOORE, OF NEW YORK
THOMAS R. MORRIS, OF VIRGINIA
MARGARET ELIZABETH ENIS SPEARS, OF MARYLAND
TANYA S. URQUIETA, OF SOUTH DAKOTA
ANNE N. WILLIAMS, OF MARYLAND

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. JOEL E. DEGROOT
COL. CHRISTOPHER M. FAUX
COL. ROBERT J. GREGORY III
COL. HENRY U. HARDER, JR.
COL. ERIC W. LIND
COL. DAVID D. ZWART

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIG. GEN. DAVID P. BACZEWSKI
BRIG. GEN. TIMOTHY J. CATHCART
BRIG. GEN. BRIAN T. DRAVIS
BRIG. GEN. JAMES O. EIFERT
BRIG. GEN. RICHARD W. KELLY
BRIG. GEN. CHRISTOPHER J. KNAPP
BRIG. GEN. JON K. MOTT
BRIG. GEN. CLAYTON W. MOUSHON
BRIG. GEN. KERRY L. MUEHLENBECK
BRIG. GEN. HOWARD P. PURCELL
BRIG. GEN. DAVID P. SAN CLEMENTE
BRIG. GEN. MICHAEL R. TAHERI
BRIG. GEN. ROGER E. WILLIAMS, JR.

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIG. GEN. JESSE T. SIMMONS, JR.

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIG. GEN. DAVID M. MCMINN
BRIG. GEN. RONALD E. PAUL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. WILLIAM E. DICKENS, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. KATHLEEN M. FLARITY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. BRIAN K. BORGES
COL. JEFFREY S. HINRICH
COL. JAY D. JENSEN
COL. BRET C. LARSON
COL. TODD J. MCCUBBIN
COL. PATRICE A. MELANCON
COL. ELLEN M. MOORE
COL. BOYD C. L. PARKER IV
COL. STEVEN B. PARKER
COL. BRYAN P. RADLIFF
COL. SCOTT A. SAUTER
COL. CONSTANCE M. VON HOFFMAN

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIG. GEN. RANDOLPH J. STAUDENRAUS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. CRAIG L. LAFAVE
BRIG. GEN. PAMELA J. LINCOLN
BRIG. GEN. DONALD R. LINDBERG
BRIG. GEN. RANDALL A. OGDEN
BRIG. GEN. JAMES P. SCANLAN
BRIG. GEN. PATRICK M. WADE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. STEPHEN C. MELTON

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. PAUL E. FUNK II

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. GARY J. VOLESKY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES H. DICKINSON

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. PATRICK M. HAMILTON

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. TIMOTHY J. HILTY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. BENJAMIN F. ADAMS III
BRIG. GEN. WAYNE L. BLACK
BRIG. GEN. CHRISTOPHER M. BURNS

BRIG. GEN. KURT S. CRYTZER
BRIG. GEN. IVAN E. DENTON
BRIG. GEN. JAMES C. ERNST
BRIG. GEN. KEVIN R. GRIESE
BRIG. GEN. MARK G. MALANKA
BRIG. GEN. ROY V. MCCARTY
BRIG. GEN. BLAKE C. ORTNER
BRIG. GEN. CHRISTOPHER J. PETTY
BRIG. GEN. JESSIE R. ROBINSON
BRIG. GEN. STEVEN T. SCOTT
BRIG. GEN. RAYMOND F. SHIELDS, JR.
BRIG. GEN. BRYAN E. SUNTHEIMER
BRIG. GEN. KIRK E. VANPELT
BRIG. GEN. TIMOTHY J. WOJTECKI
BRIG. GEN. MICHAEL R. ZERBONIA

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. MARK A. PITERSKI

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. ELLIS F. HOPKINS III

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. MICHAEL A. ABELL
COL. JOSEPH L. BIEHLER
COL. JANEEN L. BIRCKHEAD
COL. MARTI J. BISSELL
COL. SCOTT J. BOESFPLUG
COL. RAYMOND D. BOSSERT, JR.
COL. PATRICK R. BOSSETTA
COL. THOMAS R. BOUCHARD
COL. ROBERT A. BOYETTE
COL. KENNETH E. BRANDT
COL. STANLEY E. BUDRATIS
COL. ANTHONY R. CAMACHO
COL. MIKE A. CANZONERI
COL. RITA B. CASEY
COL. GREGORY P. CHANEY
COL. PAUL B. CHAUNCEY III
COL. BOBBY L. CHRISTINE
COL. EDWARD J. CHRYSTAL, JR.
COL. WILLIAM E. CRANE
COL. DARRELL W. DANIELS
COL. GREGORY T. DAY
COL. HENRY S. DIXON
COL. SCOTT A. DOUST
COL. DWAIN E. DRUMMOND
COL. DIANE L. DUNN
COL. ROBERT A. DWAN
COL. LEONARD H. DYER, JR.
COL. STEVE D. ELLIOTT
COL. FRANCIS J. EVON, JR.
COL. KELLY A. FISHER
COL. ROBERT C. FRICK
COL. ROBERT B. GASTON
COL. ANDREW L. GIBSON
COL. KERRY W. GOODMAN
COL. WILLIAM D. GRISWOLD
COL. DENNIS J. HUMPHREY
COL. ROBERT W. INTRESS
COL. RICHARD F. JOHNSON
COL. JEFFREY A. JONES
COL. ERIC T. JUDKINS
COL. KIPLING V. KAHLER
COL. MOSES KAOIWI, JR.
COL. ERIC K. LITTLE
COL. ZACHARY E. MANER
COL. JAMES R. MATHEWS
COL. MARK A. MERLINO
COL. DOUGLAS R. MESSNER
COL. DAVID J. MIKOLAITIS
COL. CHARLES W. MOORE
COL. LEAH M. MOORE
COL. MICHEL A. NATALI
COL. REGINALD G.A. NEAL
COL. JOHN M. OBERKIRSCH
COL. STEPHEN E. OSBORN
COL. RODNEY B. PAINTING
COL. CHAD J. PARKER
COL. ROGER A. PRESLEY, JR.
COL. JOSE J. REYES
COL. FRANK M. RICE
COL. TIMOTHY L. RIEGER
COL. JAMES W. RING
COL. JOHN W. RUEGER
COL. ADAM R. SILVERS
COL. JEFFREY D. SMILEY
COL. MICHAEL E. SPRAGGINS
COL. STEVEN E. STIVERS
COL. MECHELLE M. TUTTLE
COL. JEFFREY P. VAN
COL. THOMAS M. VICKERS, JR.
COL. LOUIS W. WILHAM

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. (LH) MARY M. JACKSON

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271(E):

To be rear admiral (lower half)

CAPT. MELVIN W. BOUBOULIS
CAPT. DONNA L. COTTRELL
CAPT. MICHAEL J. JOHNSTON
CAPT. ERIC C. JONES
CAPT. MICHAEL P. RYAN

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

KIP T. AVERETT
MARTIN S. BARNES
SCOTT CHRISTOPHER BRILL
GARRELL D. CALTON
MICHAEL JAMES CAREY
ROMEO MARIO TOLENTINO CATUNGAL
JOHN CHARLES CHOI
JUSTIN P. COMBS
RACHEL E. DAVID
KELVIN W. FRANCIS
THOMAS E. FUSSELL, JR.
PIOTR J. GAJDA
MARK R. JUCHTER
AMBER L. KIESEL
PAUL P. LOSER
DEREK S. MARLEY
DAVID VINCENT MCGUIRE
CHAD S. MONTGOMERY
ZACHARY LANIER NASH
JAMES MICHAEL PITTS
MARIO SAVELLANO ROSARIO
JEFFERY ROBERT SCOTT
TIMOTHY T. SESSIONS
KRAIG ALAN SMITH
JON WARD SMITHLEY
KELLY D. STAHL
JOSHUA M. STOLEY
DANIEL S. WALKER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 531 AND 716:

To be major

SHAWN M. GARCIA
MORGAN H. LAIRD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DANIEL C. ABELL
JONATHAN V. ABUEG
BRIAN S. ACERSON
MACMILLAN M. ACHU
DAVID G. ACKLAND
VINCENT P. ADAMO
CHRISTOPHER D. ADAMS
GARY W. ADAMS
JAMIE L. ADAMS
JOHN T. ADAMS
MATTHEW T. ADAMS
TIMOTHY P. ADAMS
JOHNPAUL F. ADRIAN
RUTH SONOGO BELE APFESIMAMA
BRETT AGATEP
HALEY E. AGEYTON
JOHN K. AHN
TRAVIS R. AHRENS
DAVID MATTHEW AKINS
ANDREW J. ALDERMAN
KYLE C. ALDERMAN
CHRISTOPHER S. ALEXANDER
DONALD W. ALEXANDER
JORDAN L. ALEXANDER
JEREMY T. ALLEN
KANDI S. ALLRED
EDDIE R. ALTIZER
MELANIE K. ALVAREZ
ANNE L. AMIGLEO
JUSTIN LEE AMUNDSON
BENJAMIN M. ANDERA
BRIAN R. ANDERSON
GRACE H. ANDERSON
RICKY D. ANDERSON
TRAVIS A. ANDERSON
JACINTA F. ANDERSONLUJANO
DAVID N. ANDREWS
KATHERINE M. ANDREWS
SEAN M. ANDREWS
ERIC R. ANTONIETTI
KURT C. ANTONIO
GUENNADI SERGEI ANTONOV
WADE M. APPEL
STEVEN EDWARD APPELEY
JON A. ARCETA
ROBERT JEROME ARDUINI
BRENDA R. ARINCORAYAN
KARI M. ARMSTRONG
DANIEL E. ARNAL
PAUL A. ARNER
DEREK P. ARNHOLTZ
SETH D. ARTHUR
ANDY TIMOTHY ASHBURN
CHRISTY M. ASHBY
JOHN E. AULD

JACOB W. AULTMAN
RONALD MAUNG YE AUNG
GRAHAM C. AUTEN
JOHN C. AVERY
RATKO AVRAMOV
BRIAN C. AYERS
ROBERT DOUGLAS AYERS
FREDERICK G. BACKHUS
CHRIS S. BAHRIJ
MEGHAN MARIE BAILEY
DANIEL H. BAKER
JAMES P. BAKER
NICHOLAS D. BAKER
DANIELLE JEANETTE BALES
MICHAEL ROY BALL
NEAL M. BALLAS
JOSEPH B. BALSUS
MATTHEW W. BAR
EDUARDO BARAJAS
CHRISTOPHER J. BARAN
DUSTIN ALAN BARBOUR
ABBY K. BARGER
TADZWEL ALEXANDER BARGER
JOSHUA L. BARKER
MICHAEL JAMES BARLOW
MATTHEW P. BARNARD
TROY J. BARNES
RONALD J. BARNHART
ANDREW C. BARRIER
CARLOS N. BARRIOS
JOHN W. BARRON
BENJAMIN JOHN BARSNESS
GARRETT T. BARTTEE
EARL A. BARTH
LUKE S. BASHAM
DANIEL JAMES BASHAW
ERIC A. BASSETT
JONATHAN K. BATEMAN
ALLEN J. BATISTE
BRIAN BAUER
HECTOR G. BAUZA
JARED PADEN BAXLEY
SHANA K. BEACH
MATTHEW J. BEAUBIEN
DANIEL J. BEAUDOIN
JASON P. BECK
ANDREW C. BECKER
DAVID J. BECKER
JACOB W. BECKER
PHILIP J. BECKER
MARC PETER BECKIUS
DAVID G. BECKMAN
DUSTIN BEITZ
CLARK M. BELFANTI
MEGAN F. BELGER
MITCHELL L. BELGER
DEREK P. BELL
DANIEL MICHAEL BELLISSIMO
LIONEL O. BELTRAN
JUSTIN L. BELTZ
BRAN S. BENDELE
BRANDON C. BENDER
JOSEPH C. BENSCOTER
DANIEL W. BENSON
WILLIAM E. BENTLEY
DANIEL EDWARD BERGEN
MICHAEL D. BERGERON
JONATHAN A. BERGKAMP
ANDREW B. BERGMAN
ROBIN J. BERGOO
CHARLES C. BERRY II
EDWIN K. BERRY
SAMUEL R. BERRYHILL
CRAIG JAY BERRYMAN
MATTHEW J. BERSZONER
SHAIN LANDON BESTICK
ROBERT A. BETTINGER
LUKE BEVER
TIMOTHY C. BEXTEN
DANIEL M. BIGLEY
THOMAS S. BIHLANSKY
SEAN D. BILLINGS
JASON MICHAEL BINDEWALD
SEAN R. BIRNEY
TIMOTHY D. BIRT
MICHAEL L. BISHOP
JOHN P. BISZKO
CRAIG J. BITTNER
YVETTE CRUZ BIVINS
MICHAEL B. BLACKBURN
NATHAN JAMES BLAIR
TIMOTHY CHAPMAN BLAKE, JR.
JUSTIN BLANKS
DONALD THOMAS BLEEKER
JONATHAN EDWARD BLENKUSH
CRAIG L. BLESSING
JONATHAN DOUGLAS BLOUNT
RAYMOND CRAWFORD BLOUNT
BRYCE KELLY BLUNCK
ANTHONY J. BOCCHICCHIA
JOHN R. BOCHERT
RYAN M. BODENHEIMER
STEVEN D. BOGERT
BERNIE BOGGS
CODY R. BOHN
DONALD J. BOLDA
ALBERT B. BOND
LANG MICHAEL BORN
GABRIEL ANGELO R. BORNILLA
JEFF P. BORRIELLO
AARON A. BORSZICH
MICHAEL M. BOSACK
JOHN B. BOSWELL
ANGELO ROCCO BOTTICELLI III
BRYAN L. BOUCHARD
JONATHAN BOURKE
ERIC A. BOW

ANTHONY LEE BOWE
ERIC M. BOWERS
JON D. BOWLING
MICAH J. BOWRON
MATTHEW J. BOYLE
PETER THOMAS BOZYNSKI
KIMBERLY M. BRACKEN
MATTHEW S. BRADY
KENNETH M. BRAKORA
KHARY A. BRANCHROMERO
CAMERON VIENOT BRANCUCCI
JUSTIN E. BRANDEL
JOHN S. BRANDES
DESHAUN BRANDY
BRADLEY A. BREAUX
DANIEL J. BREIDING
DAVID J. BRESSER
STEPHEN J. BRESSETT
PATRICK WADE BRETT
CATHERINE L. BREWER
LOGAN M. BREWER
MICHAEL D. BREWER
WILLIAM T. BREWER
JUSTIN A. BRICKEY
DESIREE N. BRICKS
CHAD MICHAEL BRIDGEFORD
CHRISTOPHER M. BRIDGES, JR.
RYAN W. BROCKMAN
LUCAS M. BROMMER
JOSHUA TYLER BROOKHISER
DAVID G. BROST
ADAM JARED BROWN
CASEY J. BROWN
JOEL E. BROWN
KATHLEEN F. BROWN
MARVIN M. BROWN
MEREDITH I. BROWN
PHILIP M. BROWN
RICHARD BROWN
BRIAN L. BROWNDYMKOSKI
ELIZABETH M. BRUBAKER
JESSICA LEA ANNIE BRUDJAR
ADAM R. BUEGGEN
CHANCE R. JACK BRUMLEY
JAMES W. BRYANT, JR.
JONATHAN C. BRYDIE
AUSTIN E. BUCK
JAMES BUCKHEIT
SETH BUCKLEY
CATHERINE ANN BUCKNER
JAMIE DONALD BUDD
JASON S. BUELL
PETER A. BULINSKI
ARTHUR J. BULL
LAWRENCE C. BULLOCK
DANIEL BUNDEY
KEVIN C. BUNTEN
BRIAN M. BURGOON
LEO J. BURKARDT
NICHOLAS S. BURKE
PATRICK V. BURKE
KEVIN A. BURLESON
ALEXANDER D. BURNETTE
TREVOR D. BURNHAM
KENNETH J. BURROWS
JOHN S. BURTON
MATTHEW A. BURTON
ADAM W. BURWINKLE
MICHAEL S. BUSH
RYAN C. BUSHNELL
KURT E. BUTERBAUGH II
MICHAEL S. BUTLER
BRANDON L. BYERLEY
BRENT PERCY BYNG
ANDREW B. BYRD
IAN CADORNA
CHARLES J. CADWELL
JUSTIN J. CADWELL
CHRISTOPHER T. CAGLE
JESSE L. CALDWELL
KERRIN R. CALDWELL
MORGAN C. CALLENDER
JONATHAN H. CAMILLETTI
BRIAN R. CAMPBELL
CHRISTOPHER C. CAMPBELL
CRAIG GEORGE CAMPBELL, JR.
JACOB M. CAMPIONE
JOSEPH M. CANOEALOSE
LANCE J. CANNON
RAUL CANTUALLA, JR.
MICHAEL M. CAPELLE
DANIELLE CARETTI
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EDWARD H. WYANT
JOHN M. WYANT
JASON M. WYCHE
NINA M. YACOVONE
MATTHEW H. YAN
CHRISTOPHER S. YEAGER
FLORENCE KAKEI YEE
KEITH W. YELK
JOSHUA R. YERK
RANDELL YI
RYAN M. YINGLING
LINDSAY L. YIP
BRIAN K. YOAKAM
ROBERT YOKOI
ARTHUR B. YOUNG
JONATHAN D. YOUNG
MATTHEW J. YOUNG
BROCK ARTHUR YOWELL
JING YU
MARK YURGIL
MATTHEW S. ZACHARIAS
COSTANTINOS ZAGARIS
TAYLOR JOSEPH ZAHM
MUNEEL A. ZAIDI
EVAN STOWELL ZANGERLE
STEPHANY S. ZARIFA EWERS
AXEL A. ZENGOTITTA
MATTHEW D. ZENISHEK
ANTHONY JAMES ZIEGLER
JESSE M. ZIEGLER
ERIC L. ZIESSLER
CRAIG M. ZINCK
ANDREW G. ZIOLKOWSKI
LIANE ZIVITSKI
ZACHARY L. ZORN
PETER ZWART

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

GARY A. FAIRCHILD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be major

MEGAN M. LUKA

THE FOLLOWING NAMED AIR NATIONAL GUARD OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

BRANDON D. CLINT
EDMUND J. RUTHERFORD

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE

GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

ISAMETTIN A. ARAL
DANIEL J. BEGIN
CYNTHIA VALDERREY BERNETT
CARLOS J. BORGES
MYRTLE BOWEN
BRIAN JAMES BUDDEN
BRYAN C. CARLSON
JOHN T. CARMACK
JULIE ANNE CARPENTER
GARY ROBERT CHARLTON II
CARRIE A. COLAS
JOHN MICHAEL COSGROVE
MICHAEL HAGAN CROKER
KONATA A. CRUMBLY
ROBERT RICHARD DALTO
MARY S. DECKER
MICHAEL JON DIDIO
MATTHEW E. EAKINS
JOHN E. EHRHART, JR.
DOUGLAS C. EOUTE, JR.
QUENTEN MERRIT ESSER
JACK R. EVANS
EDWARD JOHN FINK, JR.
MICHAEL SHAWN GARRETT
TYLER M. GRIFFITH
COREY MITCHELL HALVORSON
SCOTT DAVID HARRON
GREG J. HAWKESWORTH
SHAWN EDWARD HOLTZ
JEREMY FREDRICK HUFFAKER
DONALD TODD HUSTON
RAYMOND L. HYLAND, JR.
JAY PHILLIP JACKSON
CHRISTOPHER A. JARRATT
DAWN L. JUNK
DAVID M. KASHIWAMURA
JARED PALMER KENNISH, JR.
PATRICK W. KIRBY
EDWARD B. LAMAR, JR.
PATRICK LEO LANAGHAN
WILLIAM MICHAEL LEAHY
MICHAEL J. LENAHAN
GREGORY R. LEWIS
FRANK JAMES LOBASH
JARED SCHOVILLE MAAG
ALAN PATRICK MCCrackEN
LISA M. MCLEOD
MICHAEL J. METCALF
FRANKLIN B. MEYERS
EILEEN M. MUELLER-MILLER
MICHELLE R. MULBERRY
MICHAEL A. NELSON, JR.
STEPHANIE JO NELSON
GREGORY S. NOLTING
LISA L. OBRIEN
JOSEPH R. OLSZEWSKI
JAMES A. POKORSKI II
ROBERT MICHAEL PRATER
JASON R. PRICE
GUILLERMO QUETELL
REID F. RASMUSSEN
DIANE L. ROBERTS
BRETT B. ROBINSON
MICHAEL S. ROSE
LAWRENCE HENRY SCHAEFER
LEASHA R. SCHEMMEL
CHRISTOPHER RAYMOND SCHEMLZER
BEVERLY GAY SCHNEIDER
FRANCIS J. SCOLARO
ROGER DAVID SHAPIRO
GINA MARIA SIMONSON
MICHAEL RAY SPAULDING
JOSEPH S. STEWART
DAVID E. STOCKDILL
ANTHONY D. STRATTON
STRIDER SULLEY
RAFAEL TORRES
KURT A. TUININGA
DENNIS V. VARELA
JUSTIN T. WAGNER
ROBERT WILLIAM WAGNER
JEFFREY BRIAN WARD
BRITT A. WATSON
JAMES LOUIS WEHRLI
RANDOLPH R. WHITELY
TIMOTHY P. WILLIAMS
JIMMY CARROLL WORLEY
JANICE MARIE ZAUTNER
ADRIA PAGE ZUCCARO
LESLIE ANN ZYZDA-MARTIN

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

EILEEN K. JENKINS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JEFFREY M. FARRIS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

MATTHEW T. BELL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

MELISSA B. REISTER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

CHARLES M. CAUSEY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

STEPHEN A. LABATE
RAYMOND J. ORR

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

ROXANNE E. WALLACE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ERIC A. MITCHELL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JONATHAN J. VANNATTA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

DENNIS D. CALLOWAY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

KENNETH L. ALFORD
MICHAEL A. MILTON
BRUCE T. SIDEBOTHAM

THE FOLLOWING NAMED OFFICER IN THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

HENRY SPRING, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

CRAIG A. YUNKER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

CORNELIUS J. POPE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ANTHONY K. MCCONNELL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JENNIFER L. CUMMINGS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DONALD J. ERPENBACH
TIMOTHY A. FANTER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

PRESTON H. LEONARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

CARL I. SHAIA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY

VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

LISA M. BARDEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ROGER D. LYLES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

CLARA A. BIEGANEK

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

ISAIAH M. GARFIAS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

LOUIS E. HERRERA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

SCHNICKA L. SINGLETON

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

JOHN R. BURCHFIELD

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be major

ELIZABETH S. EATONFERENZI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

RICHARD D. MINA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

TEMIDAYO L. ANDERSON

ALISON F. H. ATKINS

ANDREW R. ATKINS

MICHAEL E. BAHM

AIMEE M. BATEMAN

CATHERINE L. BRANTLEY

PATRICK L. BRYAN

NAGESH CHELLURI

JASON A. COATS

SCOTT A. DIROCCO

REBECCA L. FARRELL

MATTHEW S. FITZGERALD

SEAN D. FOSTER

JENNIFER B. GREEN

SAMUEL E. GREGORY

ROBERT A. GUILLEN, JR.

MICHAEL P. HARRY

JOE N. HILL

JOSHUA L. KESSLER

DANIEL R. KUECKER

JONATHAN LAMBERT

JAMES P. LEARY

TODD L. LINDQUIST

MICHAEL G. LIPKIN

JOHN R. LONGLEY III

MATTHEW H. LUND

JUSTIN M. MARCHESE

EDWARD B. MARTIN

DANIEL J. MURPHY

JENEVIEVE R. MURPHY

THOMAS W. OAKLEY

MARK J. OPPEL

BRIAN B. OWENS

ALEXANDER R. SCHNEIDER

SHARI F. SHUGART

PHYLISHA A. SOUTH

SHAY STANFORD

TANASHA N. STINSON

JOSEPH L. STRAWN

ILDIKO E. SZENTKIRALYI

LUCIUS E. TILLMAN

JOHN T. M. TUTTEROW

JASON C. WELLS

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THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

ANJELIQUA S. MCNAIR

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

RICHARD A. GAUTIER, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JOSEPH A. PAPERFUS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

STUART G. BAKER

KEVIN R. BARNES

GEORGE T. CARTER

JAMES P. HALL

LEONARD W. JONES

DAVID P. LARSON

JOHN J. MARCH

PAUL D. THOMPSON

WALTER D. VENNEMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DAVID S. YUEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DONTA A. WHITE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS A CHAPLAIN UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

TONY A. HAMPTON

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

CHARLES C. ANDERSON

JONATHAN P. BEDDALL

GEORGE H. BRAUCHLER

MICHAEL C. BURGHARDT

PERRY M. CARPER II

ANDREW C. DIFENTHANLER

RICHARD D. FERGUSON

MICHAEL R. GLYNN

RYAN M. KING

DONALD J. KOSIAK

ROBERT E. KUSTER

JOHN T. OAKLEY

MICHAEL S. PEYERL

PETER P. RILEY

PAUL W. RODGERS

ZARA A. WALTERS

ORSON M. WARD

JAMES D. WILLSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DAVID A. YASENCHOCK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

AARON C. RAMIRO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

RICHARD M. STRONG

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

BRENDON S. BAKER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

LANNY J. ACOSTA, JR.

JAMES A. BAGWELL

LAURA J. CALESE

JOSE A. CORA

JERRETT W. DUNLAP, JR.

JACQUELINE L. EMANUEL

TERRI J. ERISMAN

JESSICA A. G. HALLING

CHRISTOPHER A. KENNEBECK

EUGENE Y. KIM

JAMES D. LEVINE II
JOHN M. MCCABE
PATRICK D. PFLAUM
CHARLES L. PRITCHARD, JR.
STEPHANIE D. SANDERSON
EMILY C. SCHIFFER
THOMAS E. SCHIFFER
JACKIE L. THOMPSON, JR.
LANCE B. TURLINGTON

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

JAFAR A. ALI
JONANDREW D. ANDERSON
JAMES E. BARFOOT
BRIAN C. BEARD
ANDREW M. BRETT
MATTHEW S. BROOKS
RYAN W. COLLINSMINKEL
AMBER L. COWAN
GREGORY L. CRUM
TREVOR B. ELISON
MARKUS G. FRANZ
DALLAS C. GATES
JERROD S. HALL
CATHERINE L. HAYNES
MICHAEL A. HOSELTON
ROBERT V. HUDDLESTON
CHRISTOPHER R. KAGEHIRO
BRITTANY B. KALUSCAK
THOMAS R. KINSEY
JAMES P. LEE
DAVID B. LITZ
PAUL T. LYNNE
BRIAN F. MAHLER
MICHAEL J. MARKER
CHRISTOPHER M. MAROLT
TYLER V. MARSHBURN
ANDREW J. MARTIN
CRAIG T. MEEKINS
DANIEL T. MILLER
NICHOLAS J. MOTTOLA
MITCHELL S. NELSON
NEAL N. NELSON
KENT W. NYGREN
WILLIAM C. PARKS
JEREMY C. PHILLIPS
RYAN J. PIFER
WALTER G. POINT
FRED D. RAY
JOSE SANCHEZ, JR.
PAUL D. SCHREINER
LUCAS R. SCRUBY
ALBERT J. STORRS
ROBERT M. TANKSLEY
BENJAMIN G. TARTELL
JORGE G. TELLEZ
ANTHONY K. WOLVERTON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED TO THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

MERYL A. SEVERSON III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

ASHLEY R. BJORKLUND

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

ADELEKE O. MOWOBI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

MARY K. ARBUTHNOT

JOHN K. WERNER, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

STEPHEN W. HEDRICK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

VINCENT M. J. AMBROSINO

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

NEAL P. RIDGE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

MICHAEL A. POLITO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

WILLIAM A. SCHULTZ

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ABDESLAM BOUSALHAM

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

SCOTT M. MOREY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

CHRISTIAN R. FOSCHI

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271(E):

To be lieutenant commander

STEPHEN J. ALBERT
ELROY S. ALLEN
KIRSTEN M. AMBORS-CASEY
JUAN C. AVILA
KENJI R. AWAMURA
CHARLES J. BARE
DUSTIN G. BARKER
TODD C. BATTEN
CAROLINE B. BELL
ZACHARY C. BENDER
JAMES C. BENNETT
JONATHAN P. BENVENUTO
JASON L. BERGER
NICOLE L. BLANCHARD
SIMON G. BLANCO
JORDAN T. BOGHOSIAN
CHRISTOPHER A. BONNER
CHAD M. BROOK
CHRISTINE S. BROWN
BRYAN P. BROWNLEE
MARK W. BURGNER
WILLIAM J. BURWELL
KRISTEN M. BYERS
NELSON W. CABLE
NOLAN V. CAIN
KRISTEN B. CALDWELL
GREGORY S. CARR
JASON R. CARRILLO
KYLE M. CARTER
KYRA M. CHIN-DYKEMAN
ERIN H. CHLUM
BRADLEY R. CLEMONS
MEGAN K. CLIFFORD
ROBERT D. COLE, JR.
ROBERTO C. CONCEPCION
JASON A. CONDON
KEVIN H. CONNELL
REBECCA M. CORSON
JAMES D. COUCH
BRIAN A. CRIMMEL
BRYAN S. CROOK
LANE P. CUTLER
KATHRYN R. CYR
STEVEN T. DAVIES
REBECCA W. DEAKIN
MICHAEL A. DEAL
DANIEL J. DEANGELO
ANDREW B. DENNELLY
AMANDA W. DENNING
AMANDA M. DIPIETRO
ANNA K. DIXON
TIMOTHY W. DOLAN
KELLI M. DOUGHERTY
LESLIE M. DOWNING
STEPHEN J. DRAUSZEWSKI
MICHAEL J. DUBINSKY
QUINTON L. DUBOSE
ANDREW S. DUNLEVY
ELISA F. DYKMAN
RONALD EASLEY
ERICA L. ELFGUINN
PATRICIA C. ELLISTON
DENNY A. ERNSTER
BRYCE G. ETTESTAD
JASON E. EVANS
DANIEL J. EVERY
AMANDA L. FAHRIG
DIANA FERGUSON
JAMISON R. FERRIELL
TRACI-ANN FIAMMETTA
MICHAEL L. FLINT
JOHN M. FORSTER
EDWARD K. FORYS
REBECCA A. FOSHA
MICHELLE M. FOSTER
JAMES T. FREEMAN
JEFFREY A. FRY
NICHOLAS A. GALATI
VICTOR J. GALGANO
RVEN T. GARCIA
MICAH N. GENTILE
ZACHERY J. GEYER
MARIO G. GIL

DAVID M. GILBERT
DAVID S. GONZALEZ
ELIEZER GONZALEZ
LEE R. GORLIN
ROBERT D. GORMAN
ANDREW M. GRANTHAM
CHRISTOPHER F. GREENOUGH
PATRICK J. GRIZZLE
SEAN T. GROARK
MICHAEL B. GRONCKI II
IAN C. GROOM
ANTHONY J. GUIDO
MATTHEW C. HADDAD
BRIAN M. HALL
IAN HANNA
ERIC C. HANSON
KEVAN P. HANSON
BRENT L. HARDGRAVE
STEPHEN A. HART
LISA G. HARTLEY
JASON L. HATHAWAY
KELLY L. HAUPT
JOSEPH S. HEAL
TERRANCE L. HERDLISKA
MATTHEW R. HERRING
JENNIFER L. HERTZLER
JOHN D. HESS
JEROD M. HITZEL
STEFANIE J. HODGDON
JAMES M. HODGES
JONATHAN W. HOFIUS
ZACHARY D. HUFF
STEVEN W. HULSE
MATTHEW C. HUNT
BRYSON C. JACOBS
RAYMOND M. JAMROS
SARAH M. JANARO
DAVID L. JANNEY
ANDREW B. JANTZEN
CHELSEA A. KALIL
ABIGAIL H. KAWADA
CAROLINE D. KEARNEY
GARY G. KIM
MIN H. KIM
GRETAL G. KINNEY
DAVID B. KOMAR
BRITTANI J. KOROKNAY
KEVIN K. KOSKI
MATTHEW M. KROLL
SARAH A. KROLMAN
NICHOLAS R. KROSS
BROWNIE J. KUK
CELINA H. LADYGA
JONATHAN W. LADYGA
LEO C. LAKE
JONATHAN M. LARAIA
DUSTIN T. LEE
KAREN M. LEE
BLAKE K. LEEDY
CLINTON D. LEMASTERS
PAUL M. LEON
BENJAMIN S. LEUTHOLD
AARON B. LEYKO
JAMES P. LITZINGER
JOHN T. LIVINGSTON
ROBERT J. LOKAR
SEAN A. LOTT
RACHAEL E. LOVE
CHARLES A. LUMPKIN
RYAN W. MACA
STEVEN A. MACIAS
ROBERT M. MACKENZIE
ISSAC D. MAHAR
SAWYER M. MANN
MARC A. MARES
CHRISTOPHER H. MARTIN
SCOTT A. MCBRIDE
KENNETH W. MCCAIN
CHRISTOPHER J. MCCANN
SCOTT J. MCCANN
JAYNA G. MCCARRON
ADAM J. MCCARTHY
SCOTT H. MCGREW
PATRICK M. MCMAHON
ANNA C. MCNEIL
STEVEN T. MELVIN
HERMIE P. MENDOZA
MEGAN K. MERVAR
JULIAN M. MIDDLETON
JEFFREY S. MILGATE
MICHAEL S. MILLER
FRANK P. MINOPOLI
CAITLIN H. MITCHELL-WURSTER
NATHAN P. MORELLO
KARL H. MUELLER
IAN J. MULCAHY
ADAM L. MULLINS
JOHN E. MUNDALE
ANDREW J. MURPHY
JOSHUA C. MURPHY
ELIZABETH G. NAKAGAWA
NICKIE L. NATTEAL
ANDREW J. NEBL
JASON A. NEIMN
DAVID T. NEWCOMB
HUY D. NGUYEN
BRET D. NICHOLS
CHRISTOPHER M. NICHOLS
ERIC D. NIELSEN
RICHARD D. NINES
JEFFREY T. NOYES
ROBERT P. O'DONNELL
GRACE E. OH
TERESA Z. OHLEY
PHILLIP N. ORTEGA
JACOB T. PAARLBERG
JARRETT S. PARKER

CHRISTOPHER J. PELAR
NEIL R. PENSO
KURT W. PFEFFER
ANDREW D. PHIPPS
JEYAR L. PIERCE
DAVID A. PIPKORN
JOSEPH P. PLUNKETT
ROBERT S. POTTINGER
JOHN P. POLEY
JOSEPH P. PRADO
ANDREW D. PRITCHETT
FREDRICK D. PUGH
CHRISTOPHER S. PULLIAM
ERIC A. QUIGLEY
ALEJANDRO M. QUINTERO
THOMAS J. RADER
RYAN R. RAMOS
PETER J. RANERI
JONATHAN T. REBUCK
FRANK M. REED III
HOWARD B. REINEY, JR.
SHERAL A. RICHARDSON
BYRON RIOS
CALLAN D. ROBBINS
JASON W. ROBERTS
MICHELLE I. ROSENBERG
MICHAEL C. ROSS
MALLORIE G. SCHELL
JAMES J. SCHOCK
DANIEL A. SCHRADER
DEREK L. SCHRADEL
JOHN SGARLATA, JR.
MATTHEW A. SHAFFER
SALADIN SHELTON
PAUL C. SIMPSON
JAMES D. SLAPAK
RANDALL J. SLUSHER
NORMA L. SMIHAL
COLLEEN M. SMITH
JOSEPH L. SMITH
JOSH L. SMITH
KATIE E. SMITH
LAUREN E. SMOAK
BRETT L. SPRENGER
KEVIN L. ST.CIN
PAUL W. STEPLER
RACHEL P. STRUBEL
GEORGE R. SUCHANEK
JOHN P. SUCKOW
KATHLEEN M. SULLIVAN
AMY K. SUNG
MATTHEW M. SWANNER
DAVID C. THOMPSON
DAMON THORNTON
JESSICA S. THORNTON
JOHN D. TOMLIN
MELVIN A. TORRES
CHRISTOPHER N. TOUSSAINT
CYNTHIA S. TRAVERS
MICHAEL R. TURANTZA
EDUARDO M. VALDEZ
MATTHEW J. VANGINKEL
FAUSTO E. VERAS
MICHAEL M. VICKERS
MICHAEL A. VILES
STEVEN M. VOLK
JOHN M. WALSH
TODD A. WEIMORTS
STEVEN D. WELCH
BRUCE D. WELLS
MASON C.E. WILCOX
DEREK D. WILSON
PAUL A. WINDT
NICHOLAS A. WOESSNER
FRANCIS E.S. WOLFE
JONATHAN M. WOLSTENHOLME
ROBERT T. WRIGHT
VICTOR M. YAGUCHI
MILES K. YOUNG
MATTHEW W. ZINN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C. SECTION 271(E):

To be commander

JENNIFER L. ADAMS
MARC H. AKUS
DAVID J. ALDOUS
NATHAN W. ALLEN
RYAN J. ALLEN
SHAMEEN E. ANTHANIO-Williams
MELISSA J. ARLES
CHRISTOPHER M. ARMSTRONG
CHARLES L. BARKS, JR.
ANN M. BASSOLINO
KEVIN M. BECK
ANDREW J. BEHNKE
ROBERT J. BERRY II
FRED S. BERTSCH IV
VANESSA BLACKMORE
WILLIAM K. BLAIR
JOHN D. BLOCK
PETER F. BOSMA
RUBEN E. BOUDREAUX
KEVIN C. BOYD, JR.
VALERIE A. BOYD
JASON P. BRAND
WILLIAM C. BRENT, JR.
CHAD R. BRICK
SHANE D. BRIDGES
KEVIN A. BROYLES
BRYAN J. BURKHALTER
ERIC A. CAIN
JOSEPH G. CALLAGHAN
IAN L. CALLANDER
BRIAN R. CARROLL

To be captain

PAUL R. CASEY
ERIC M. CASPER
JACOB L. CASS
MICHAEL P.C. CHIEN
MICHAEL N. COST
JUSTIN K. COVERT
MELBA J. CRISP
CHARLENE R.T. CRISS
MARK W. CRYSLER
CHRISTOPHER J. DAVIS
KAREN DENNY
MATTHEW C. DERRENBACHER
MICHAEL S. DIPACE
JASON D. DOLBECK
MATTHEW D. DOORIS
CHRISTOPHER DOUGLAS
KEITH M. DOXEY
KEVIN F. DUFFY
JASON R. DUNN
SAMUEL Z. EDWARDS
JAMIE M. EMBRY
TODD L. EMERSON
DANIEL J. EVERETTE
PETER M. EVONUK
BRIAN M. FARMER
JEFFREY P. FERLAUTO
FRANK J. FLORIO III
JAMES T. FOGLE
GEORGE O. FULENWIDER III
PATRICK J. GALLAGHER
WILLIAM J. GEORGE
ROBERT H. GOMEZ
DENNIS D. GOOD
EVANGELINE R. GORMLEY
JOHN A. GOSHORN
ANDREW P. GRANT
BROOKE E. GRANT
DERRICK S. GREER
STEVEN M. GRIFFIN
WILLIAM M. GROSSMAN
JAY W. GUYER
GREGORY M. HAAS
JEREMY M. HALL
BYRON H. HAYES
DOROTHY J. HERNAEZ
ROBERT P. HILL
JENNIFER L. HNATOW
JACOB A. HOBSON
MORGAN T. HOLDEN
DEAN E. HORTON
DONALD K. ISOM
MAX M. JENNY
KHRISTOPHER D. JOHNS
CHRISTOPHER L. JONES
KAREN S. JONES
MATTHEW N. JONES
KEVIN A. KEENAN
SCOTT R. KIRKLAND
AJA L. KIRKSEY
DAVID J. KOWALCZYK, JR.
DONALD R. KUHL
SHAWN A. LANSING
MARK L. LAY
KRISTINA L. LEWIS
PAUL J. MANGINI
ELIZABETH L. MASSIMI
RYAN P. MATSON
ERIC J. MATTHIES
HAROLD L. MCCARTER
BLAKE A. MCKINNEY
WILLIAM A. MCKINSTRY
JAMES M. MCLAY
JAMES D. MCMANUS
BRAD M. MCNALLY
JOSEPH W. MCPHERSON III
JOHN M.P. MCTAMNEY IV
RONALD R. MILLSAUGH
MARC J. MONTEMERLO
JASON W. MORGAN
RYAN T. MURPHY
MICHAEL A. NALLI
MARK R. NEELAND
JUSTIN W. NOGGLE
MARTIN L. NOSSETT IV
ANNE E. OCONNELL
JAMES M. OMARA IV
ROGER E. OMENHISER, JR.
BRENDAN P. OSHEA
JOSEPH B. PARKER
STACIA F. PARROTT

CHRISTOPHER M. PASCIUTO
CHESTER A. PASSIC
ANDREW L. PATE
MARK B. PATTON
JEFFREY L. PAYNE
JAMES H. PERSHING
BARTON L. PHILPOTT
JEFFREY J. PILE
ELIZABETH T. PLATT
KENNETH B. POOLE II
JORGE PORTO
MARK B. POTOTSCHNIK
LEAH M. PRESTON
AMANDA M. RAMASSINI
LIBBY J. RASMUSSEN
JEFFREY J. RASNAKE
LISA M. RICE
MATTHEW ROONEY
MICHAEL B. RUSSELL
JAN A. RYBKA
PAUL SALERNO
EVELYNN B. SAMMS
RACHELLE N. SAMUEL
KEVIN B. SAUNDERS
BENJAMIN J. SCHLUCKEBIER
TIMOTHY L. SCHMITZ
DEON J. SCOTT
KIRK C. SHADRICK
BROOK W. SHERMAN
JASON S. SMITH
LAURA J. SMOLINSKI
JOAN SNAITH
GABRIEL J. SOMMA
ROBERT E. STILES
JESSICA R. STYRON
ROBERT D. TAYLOR
JAMES K. TERRELL
EMILY L. THARP
ALFRED J. THOMPSON
LAWRENCE W. TINSTMAN
DAVID A. TORRES
DEVIN L. TOWNSEND
CHRISTOPHER A. TREIB
JARED S. TRUSZ
MICHAEL A. VENTURELLA
MATTHEW J. WALKER
WILLIAM R. WALKER
SARA A. WALLACE
TAMARA S. WALLEN
AMBER S. WARD
RODNEY P. WERT
STEPHEN E. WEST
CHRISTOPHER A. WHITE
BRIAN R. WILLSON
WILLIAM B. WINBURN
TRACY L. WIRTH
CHRISTOPHER L. WRIGHT
BRENT C. YEZEFSKI
PETER J. ZAUNER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
IN THE UNITED STATES COAST GUARD RESERVE TO THE
GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DARYL P. SCHAFFER
LISA H. SCHULZ

THE FOLLOWING NAMED OFFICERS OF THE COAST
GUARD PERMANENT COMMISSIONED TEACHING STAFF
FOR APPOINTMENT IN THE UNITED STATES COAST
GUARD TO THE GRADE INDICATED UNDER TITLE 14,
U.S.C., SECTIONS 189 AND 276:

To be captain

DAVID C. CLIPPINGER
MICHAEL J. CORL
GREGORY J. HALL
RUSSELL E. BOWMAN

To be commander

JOSEPH T. BENIN

To be lieutenant commander

MATTHEW B. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
IN THE UNITED STATES COAST GUARD RESERVE TO THE
GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION
12203(A):

MARK E. AMES
MICHAEL G. BARTON
LEON D. DAME
TIFFANY G. DANKO
STACIE L. FAIN
DANIEL J. FITZGERALD
JOANNA K. HIGEL
JASON A. LEHTO
RICHARD E. NEIMAN, JR.
COLLEEN M. PAK
GEORGE W. PETRAS
MICHAEL A. SPOLIDORO
MATTHEW D. WADLEIGH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
IN THE UNITED STATES COAST GUARD TO THE GRADE IN-
DICATED UNDER TITLE 14, U.S.C., SECTION 271(E):

To be captain

JOHN F. BARRESI
AMY M. BEACH
BENJAMIN D. BERG
JOHN M. BRANCH
PAUL BROOKS
BRUCE C. BROWN
SUZANNE M. BROWN
MARIE BYRD
FLIP P. CAPISTRANO
JAY CAPUTO
CLINTON S. CARLSON
KEVIN M. CARROLL
TRAVIS L. CARTER
JOHN D. COLE
TIMOTHY J. CONNORS
ERIC M. COOPER
JOHN P. DEBOK
ERIC D. DENLEY
ANGELIC D. DONOVAN
MARYELLEN J. DURLEY
WILLIAM G. DWYER
MATTHEW EDWARDS
MICHAEL J. ENNIS
BRIAN D. FALK
ROSEMARY P. FIRESTINE
ARTHUR H. GOMEZ
AMY B. GRABLE
HOLLY R. HARRISON
MARK E. HIGEL
PATRICK M. HILBERT
TODD M. HOWARD
RICHARD E. HOWES
MICHAEL A. HUDSON
MARK A. JACKSON
SCOTT L. JOHNSON
ERIC P. KING
SHAWN S. KOCH
SHERMAN M. LACEY
WILLIAM A. LEWIN
RALPH R. LITTLE
VIVIANNE LOUIE
MICHAEL C. MACMILLAN
JAMES D. MARQUEZ
CRAIG J. MASSELLO
JOSEPH T. MCGILLEY
ADAM B. MORRISON
PRINCE A. NEAL
TIMOTHY M. NEWTON
JEFFREY W. NOVAK
LOUIE C. PARKS, JR.
JOSE A. PENA
MICHAEL R. ROSCHEL
GREGORY C. ROTHROCK
JAMES B. RUSH
JASON H. RYAN
MICHAEL SCHOONOVER, JR.
MARK J. SHEPARD
JASON E. SMITH
SAMPSON C. STEVENS
SCOTT A. STOERMER
JEFFREY S. SWANSON
ROXANNE TAMEZ
GREGORY L. THOMAS
RICHTER L. TIPTON
ROBERTO H. TORRES
KARRIE C. TREBBE
JACQUELINE M. TWOMEY
MARK B. WALSH